

QUID NOVI

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Faculté de Droit
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QUID NOVI

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Editorial/Éditorial This Week in the Quid...

by Chanel Sterie (Law II)

If you're like me and are wondering where October (and September for that matter) went, and your stress level is growing exponentially, you'll be happy to know that the *Quid* is full of ideas to de-stress. Now that Halloween is over we can turn our attention to the holiday season - you know, only 52 shopping days (TUESDAY) till Christmas! The *Quid* is already decorating the office... okay, so that's a lie, but we are looking for ways to procrastinate and avoid reality and all the work.... If you're like the *Quid*, and you want some fun ways to procrastinate, or should I say to de-stressing... solutions to the stress crisis include a fun filled « Dance Week » (see info on p.10) organized by the Student Wellness Committee, an exciting Casino Coffeehouse (p.9), suggestions on where to get some of the best sweets in the city (p.23) AND a paint by number picture (p.27) Or, maybe you could write a poem, an article or even draw a picture for next week's *Quid*.

Wishing you a great week,
The *Quid* Novi Team

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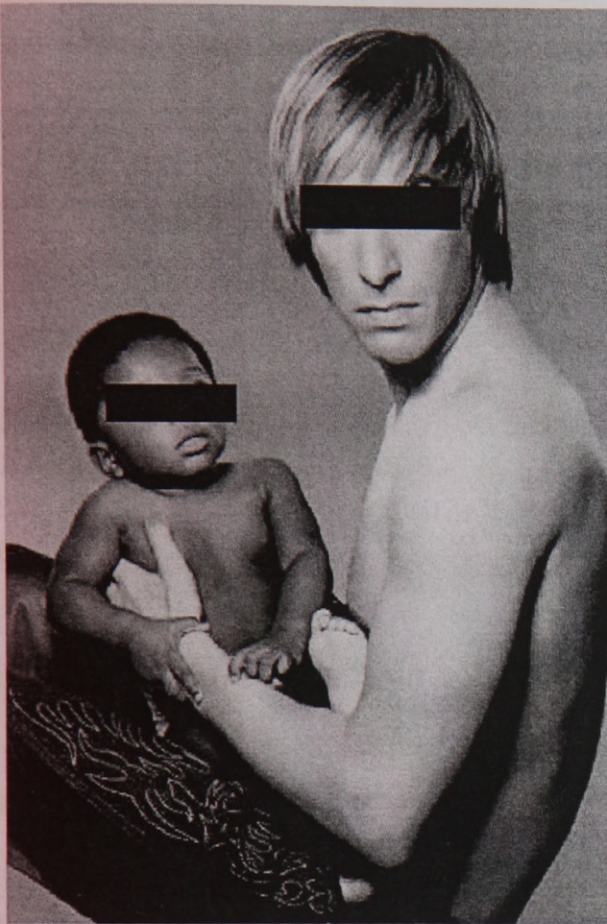
Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:
<http://www.law.mcgill.ca/quid/epolicy/html>.

Contributions should preferably be submitted as a .doc attachment (**and not, for instance, a ".docx."**).
Contributions should also include the **student year** of the contributor.

No Shame... but Critical Reflection Needed Instead

by Annamaria Enenajor (LAW II)



While it is convenient and even mildly comical to see the critique I outlined in my previous article mistaken for extremist discourse, it is not at all surprising. Here, the instinct to dismiss any attempt that challenges the conventional wisdom that 'human rights interns are heroes' has taken the form of comedic exaggeration. Usually, the argument highlights the lucrative summer employment they have sacrificed to alleviate the suffering of those less fortunate. Lampooning a subject that is so worthy of discussion does not reveal to me a desire to launch a fruitful debate or to highlight the good work accomplished through internship programs. Instead, it signals a desire to silence serious discussion about the problems that also exist within such programs—problems that reflect historical power imbalances.

I'm not quite sure how to respond to Hodgins' article. On the one hand, if this is not a satirical piece and Hodgins' genuinely believes that I share his extremist convictions that "[t]he Human Rights Internship Program by its nature

focuses on reinforcing paternalistic characterizations of Africa," then this is all a big mistake that could have been easily avoided by carefully reading my final paragraph where I clearly state my point, arguably more nuanced than his. Not only do I not share his absurd premises, I never conclude as he does that "[W]ith any luck [interns] will stop going entirely." In addition to misreading what's there, Hodgins mistakenly imports into my argument his own assumption that harsh criticism is an automatic call for complete non-engagement.

On the other hand, Hodgins may have been attempting to show the absurdity of my position by pretending to agree with my arguments. In that case, Hodgins was not, in fact, responding to the critique I levied, but rather to the critique he *thought* I levied as he misquoted me at every instance. As such, he set up a straw-man argument which he easily defeated. For example, there is a big difference between a request to "stop praising the presence of every McGill intern in Africa" and the suggestion to stop "uncritically praising the presence of every intern in Africa." Qualifying adverbs and conditional verb tenses is present in most languages in order to avoid confusion. Of course, removing selected quotes from the sentences in my article that gave them their meaning is much more convenient.

As every quote taken from my article was manipulated by Hodgins to satirize my perspective, I feel satisfied ending my treatment of his article here. He does, however, raise some interesting points that, despite their awkward delivery, are not completely lost on me. For example, I had not noticed that there were photos of anonymous Romanian peasants on display around Matteo's. I went down to see them and took a few days to reflect on how that display made me feel in light of my crit-

icism of the photos taken with African children. I took Hodgins' challenge as an invitation to refine my critique even more, and while I haven't completely decided how I feel about the photo display, some things have become clearer to me.

Among other insights, I came to the conclusion that while all photos can be taken in good taste or bad taste, they become particularly offensive when they reflect the imagery of a broader culture of paternalistic ignorance that involves not just internships, but church missions, celebrity causes, news reports, blogs, and everyone and their mother's Facebook album. When bombarded with a multitude of these images and the often-ridiculous captions that accompany them, it is reasonable for someone sensitive to what these images misrepresent to have a breaking point. Mine was seeing the article in the *McGill Reporter* entitled "Two Tales from the Heart of Darkness," which not only presented a desperately bleak picture, but also insensitively borrowed its title from the anachronistic, romanticized, fictional literature from over 100 years ago, which effectively stereotyped an entire geographic region and its people.

As I continued to reflect on the photos that had spawned my critique and those displayed around Matteo's, I came to the following conclusion: While I was not immediately disgusted by the photos on display of Romanian peasants, I would likely become deeply disturbed and incredibly offended if I walked into the atrium one day and was confronted by a display celebrating the accomplishments of our Human Rights interns which included a center page article from the *McGill Reporter* entitled: "Two Tales from the Heart of Dracula's Countryside."

Human Rights, Context and Constructive Dialogue

by Jamie Gibson (LAW II)

After reading the Quid over the past two weeks, I'm somewhat ambivalent about Ms. Enanajor and Mr. Morgan's articles. As a white man who has worked in development and human rights, these issues are close to my heart. I believe that the altruistic impulse behind much of the work done in low-income countries is very admirable and in some ways captures the idealism of our generation. On the other hand, I also think that we must be responsible with our good intentions and that, sometimes, we are too confident about our ability to do good in other countries. With respect to these concerns, I think that Annamaria and Anthony's articles foster constructive and collective dialogue in some ways, but in other ways risk tapping into the very divisive forces they caution against.

On the one hand, they certainly raise very important issues. There is no doubt that there is a danger of paternalism inherent in development and human rights work, which in some ways assumes that people in high-income countries know something that people in low-income countries do not. My personal view is that human rights and development always have political consequences and are not neutral enterprises. However, I also believe that complete indifference or isolation is not a morally responsible alternative. In engaging other countries, for better or worse, we intervene in the domestic affairs of other people. While I hope that, most of the time, intervention occurs with the consent of most people without too serious a distortion from power inequalities, it is certainly not the case all of the time.

At the same time, people working in high-income countries risk overestimating their influence, when in fact our interventions are often too fleeting and without the political legitimacy to create real change. Conversely, human rights and development workers some-

times forget the overwhelming importance of national ownership of development and that it is without fail the efforts of dedicated people working in low-income countries that produce lasting change (occasionally with our assistance.) Indeed, there are lots of instances where development interventions have actually worsened situations by displacing local political institutions or distorting national markets. The fact that there is a debate about whether sixty years of development aid has actually led to any significant economic growth should inspire humility both about our ability to support change and about how much we know about doing so (see Paul Collier, "Wars, Guns and Votes" or William Easterly, "The Elusive Question for Growth" for provocative arguments.)

Given these concerns, a call for people to be sensitive to race, context and history is important. There is no doubt that the views about race held by some high-income countries has historically led to terrible things, particularly colonialism. We would be wise to be mindful about its legacies, both in our perception of former colonies and in former colonies' perception of our actions. I certainly support the idea that people working in developing countries ought to be careful to understand the context in which they are working, to be humble about the benefits of their own work and to respect the fact that their efforts may be valuable, but they are much less important than the work of those living in low-income countries. For different reasons, many people seem to be both attracted to Africa and to know relatively little about the vast diversity on the Continent (myself included) (see also attached maps and google Hans Rosling on Ted Talks.) Certainly, media representations are not always very informative (see Binyavanga Wainaina's article "How to Write About Africa"). If Annamaria's article is a call to be more informed and mindful of the

context of our work, I fully support that sentiment. I think it's not just the right thing to do (in terms of treating people as equals with agency), but it's the smart thing to do in order to actually achieve our good intentions in partnership with people from low-income countries.

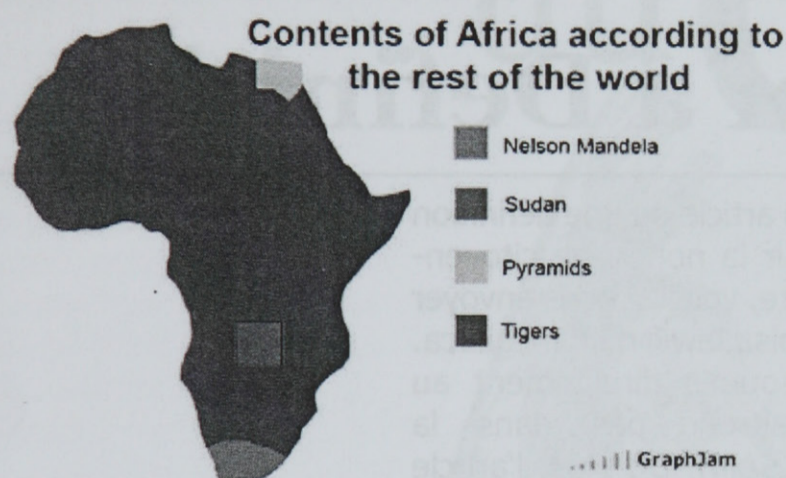
On the other hand, I think that we must also pay careful attention to context when it comes to race. Just as we should not make broad assumptions about the nature of people from low-income countries, we must also be careful in assuming how informed people are when they work in those countries. It would also be problematic to suggest that paternalism and power inequalities are reducible only to race. Certainly, over-confidence and lack of knowledge about other contexts is not associated only with one's race. I think that Mr. Morgan's point - that identifying with a group does not give us the power to perfectly represent or speak for that group - is well-taken, especially for places as diverse as Africa or the Caribbean. Just as I cannot speak for all Canadians, I think it's equally problematic for anyone (resident or non-resident) to authoritatively state the values of a group or how they feel with regard to people from high-income countries.

As well, I think that it's important to recognize that development and human rights work has a nuanced and checked history, with both failures and successes. The Green Revolution and the democratization movements in former communist countries are admirable examples of where high-income countries and low-income countries have achieved great things together. I believe that a lot of development work and human rights work is done in genuine partnership with incredibly dedicated people in low-income countries, even if that work is not always successful or even helpful at the end of the day. Certainly, there is a very long list of failures,

where human rights has been a rubric for an unwanted imposition of national values, and development has been a well-intended but truly disastrous project (for example, some structural adjustment experiences and, particularly, the economic transition in Russia.) With respect, I think we could do better than to characterize all (or even most) of development and human rights as narcissistic or quasi-colonialist projects.

While development and human rights work capture both our imaginations and our aspirations for making the world a better place, I believe that they also create significant dangers, both to the lives and institutions of people living in

low-income countries and to our own relationships with them. It is important to remember that no one, either in high- or low-income countries, has found an answer to the challenges facing humanity. As a result, constructive and collective dialogue on these issues is important so that we avoid being "headless hearts" that have not learned from the mistakes of the past. I think that the stakes are sufficiently high that everyone ought to bring their experiences to the table, and that we should think carefully about the complexity and nuances in our relationships when we engage low-income countries.



Snide Parodies Ignore Critical Questions about Human Rights Internships

by Alexandra Dodger (LAW III)

Brett Hodgins' piece "in defense" of human rights internships was probably one the Centre for Human Rights and Legal Pluralism wishes never saw the light of day. Snarky, sarcastic, and condescending, it dismissed any valid concerns Annamaria Enenajor's initial critique brought up. His tone really does a disservice to anyone who sees value in the internships by replicating much of the arrogance, and assumptions of knowing how to solve all the problems that Western college students are regularly accused of when they accept human rights internships. At the very least, I'm sure he might have provided some good fodder for StuffWhitePeopleLike.com (which is a very funny website, I must admit!).

I don't suspect Ms. Enenajor was suggesting that all North American students working in NGO's are somehow evil, colonial power brokers. I do think she invites us to carefully consider how and when those of us privileged enough to get law degrees at an institution like McGill use our privilege. Some of us have other forms of privilege too – whether it is our skin colour, our gender, our income, our family connections, the passports we carry or a whole host of things arrived at by chance. The question of how people from dominant groups can work in solidarity with others should be something all participants in progressive movements for social change consider.

I agree social change has to start at home. I find it absurd that McGill's law faculty pays for students to go to war-torn countries, prosecute war criminals and help those forced into exile from their homelands by violence, and then turns around to accept million dollar gifts from corporations like Boeing that get rich by making the bombs, tanks and guns that tear apart those countries. It is a disgusting, violent cycle. Boeing builds bombs to make money and then gives some of this money to human rights interns to clean up their image and attend to their victims. McGill University's endowment monies fund mining and oil companies in Burma that support its military dictatorship. McGill's science laboratories receive funding from the US Defense Department to re-

search how to build bombs that will blast shrapnel further when they rain down on Afghanistan. Part of our institution helps solve global problems, while part of it helps cause them.

Human rights work has to shed the facade of neutrality that we sometimes allow it to take on. Interns need to see the factors that cause suffering and human rights violations in the global south are connected to the choices made by the governments and the private sector in the north. But I don't agree with the idea that North Ameri-

can students should stay at home and only focus on problems in our backyard. We shouldn't ignore them, but as long as we operate from a mentality of solidarity, rather than thinking of ourselves as saviours, I believe there is much to be gained from international internships.

Perhaps we can start by shedding the myth that students from McGill give more to the organizations they intern with than they receive. The internships aren't entirely altruistic – travel is exciting and the experience is certainly more

interesting than writing memos in a cubicle all summer. Many hope to use the opportunity to launch their careers. Inevitably, 12 weeks of your work might not be worth as much as the experience of visiting a new continent, learning a new language, or slapping a UN related position on your CV. That's OK. Universities aim to educate, and for-credit internships are about learning. But the way in which we learn should be open to critique, scrutiny and mature forms of debate that aren't just mere parodies of legitimate concern.

What is Notions of Citizenship?: In Search of a Definition

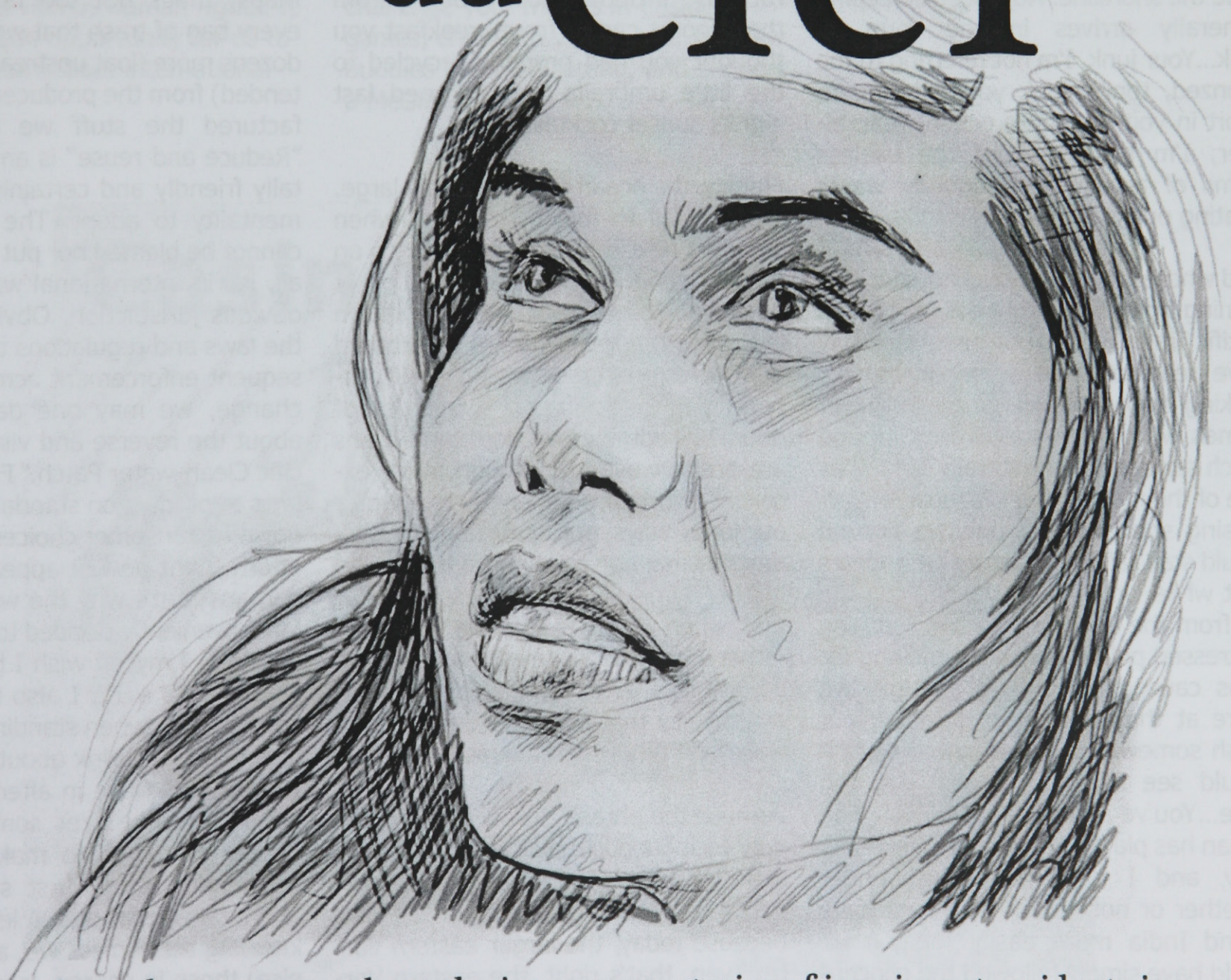
This year the Black Law Students' Association at McGill (BLSAM) has chosen to focus on the theme "Notions of Citizenship." To further this objective, we decided to start a Quid column. Citizenship discourse necessarily involves individuals and the law. Central to the idea is the question of what it means to belong. Although citizenship is a keystone to every nation, it is often taken for granted. The goal of this year's theme is therefore to generate discussion amongst law students about what it means to be a citizen. This is an inclusive column, designed to illuminate important issues. Understanding that there are many different notions of what it means to be a true citizen, we look forward to a rich and diverse selection of articles!

Si vous avez un article ou une définition intéressante sur la notion de citoyenneté à soumettre, veuillez nous envoyer un courriel à blsa.law@mail.mcgill.ca. (Les articles soumis directement au Quid n'apparaîtront pas dans la rubrique de BLSAM). De plus, l'article publié dans le Quid sera disponible sur notre site-web: www.blsam.mcgill.ca. Ce projet dépend de votre participation! Yeniva Massaquoi, BLSAM President 2009 -2010



HRWG
Immigration/Refugee Portfolio
presents:

un. coin. du Ciel



A one-hour documentary about the interwoven stories of immigrant residents in
Parc Extension- their experiences and the challenges they face daily.
Come join us for a one hour film, with film snacks and a discussion period afterwards!
Rm. 200 NCDH Building, 3644 Peel street,
Tuesday NOV 3RD at 5:30

Garbage dump? Garbage Vortex!

by Chase Barlét (LAW I)

A few weeks ago, hundreds of jellyfish greeted thousands of tourists on Waikiki Beach, Hawaii's most famous hangout for visitors. Imagine dozens of sun-burned yuppies screaming bloody murder while clunking awkwardly and thrashing their way out of the sea. It's a phenomenon I know well. Ah, yes, the whole article took me back. Right back, in fact, to the beach by my house where I myself promptly received my first "Pacific kiss" after moving to Hawaii. Sweet nostalgia, with scars to boot! Most of the time, however, dramatic swarms of wild animals do not invade the shoreline. No, coastal creeping generally arrives in the form of junk...Your junk. I'm not referring to the bronzed, toned junk you're trying to sport in your favourite ocean-wear, either; I'm talking about the useless items of actual trash nobody wants floating our way.

And where is this non-stop aquatic junk coming from, you might ask? From the Pacific Trash Vortex, of course! You may have heard of it; perhaps not. I'm not making it up, however. Whatever clever names we give it, the Great Garbage Patch surfaces, quite literally in fact, as one of the modern world's most embarrassing shenanigans, one we figured would stay safely out at sea. It appears that while we ranted about saving the air from the O-Zone hole and rescuing distressed polar bears from melting ice caps caused by climate change, we were at the same time dumping our trash somewhere we assumed no one would see it – the ocean. Ah, Big Blue...You've been good to us. The ocean has played a dramatic role in history, and I can't help but wonder whether or not Columbus would have found India more easily today. He could have simply followed the concentration of trash with Hindi written on it until he reached the mother-load. India might then have been visible beyond the oceanic landfill. A newfound navigational tool perhaps? It's always good to recycle, but I doubt this is appropriate.

Rather than ask why this is so (do we

really want/need to know?), instead let us ask, "how can this be?" It's all very simple. The Vortex combines two phenomena. First, competing ocean currents in the north Pacific meet in such a way that a large, circular current is formed. Like a pinwheel, it churns water around and around in the same place to form a circle. Second, scattered trash dumped by ourselves and our friends across the world makes its way randomly across the sea until it breaches the Vortex's territory. The Vortex then swallows up the waste and holds it captive in the form of swirling rubbish – including your rubbish, from the yogourt carton from breakfast you thought you had properly recycled to the little umbrella that adorned last night's sunset cocktail.

Frankly, the ocean is impressively large. I never fail to feel quite small when standing next to it. It appears to go on forever, some even say to the edge of the Earth. So how could we have known that the crap we tossed overboard could ever end up emerging again, especially in the form of a swirling pit of doom? I'll admit it; we North Americans are pretty wasteful. Though many excellent efforts are underway to counter our junky ways, our households and industries manage to export a lot of crap to the dump. However, despite all of that, when we discovered the Vortex (or rather when the Vortex started sucking us into it) I think I speak for all of us when I say that our collective reaction was none other than: "oops."

Perhaps the phrase "throw it away" will now elicit curious thoughts of where exactly "away" is. The Vortex, I dare say, might know something we don't. That's because today, the larger *eastern* Vortex (yep, that's right, the eastern Vortex; now there are two, folks) comprises some 100 million tonnes of debris (90% of which is soupy plastic) over an area that some estimate to be as large as China. That's quite a cleanup. I doubt that even Mary Poppins herself could sing a delightful tune to tidy this one up, and she could *fly*. Even

with a strainer the size of China, trouble would strike. The effects of sun, salt water, and time have broken down the crap into small, tiny pieces – some so small they find their way into the gills of animals that then choke like children might when inhaling plastic.

Of course, the cleanup, as daunting and impossible to comprehend as the task now seems, emerges as only the first step. The future depends on prevention. I do not want to return to Hawaii to find it squarely within the Vortex's territory, and from the look of current maps, that's not too farfetched. For every bag of trash that we throw away, dozens more float upstream (no pun intended) from the producers who manufactured the stuff we bid farewell. "Reduce and reuse" is an environmentally friendly and certainly appropriate mentality to adopt. The Vortex itself cannot be blamed nor put on trial; after all, it's in international waters with no obvious jurisdiction. Obviously, unless the laws and regulations and their subsequent enforcement across the world change, we may one day be talking about the reverse and visiting the "Pacific Clean-water Patch." From dumping laws to production standards, and right down to consumer choices, it's a group effort. Right now, it appears daunting; perhaps that's why the world has thus far conveniently decided to squint at the problem. I myself wish I had a brilliant solution. As a 1L, I also feel about as small as I do when standing next to the ocean when I think about what impact I could ever have in affecting environmental change. Yet somehow, small people managed to make this mess. Awareness is the first step. At least we've taken that one. A leap forward in knowing that unless we, and (if no one else) those in charge, learn to appreciate the world a little bit more, the garbage heap will soon be floating all around us. I don't know about you, but on my next vacation, I vote we look for cool seashells, not creatively shaped plastic things.

Casino Coffeehouse

by Ariane Lauzière (LAW II)

Hi everyone!

This Thursday, the weekly Coffee House will be held by the McGill Law NMUN (National Model United Nations) team. Our 12-member group will take part in the New York City model UN conference in April 2010 at the New York Marriott Hotel. During this event, our team will learn firsthand about the functioning of the United Nations. We will also develop skills in areas related to diplomacy, economic and social development as well as human rights. It will be a unique opportunity for us to concretely learn about international law.

To help us cover the costs of this fantastic experience, we invite you to the most FUN Coffee House of the year. Our "Coffee House Casino Night" is everything you ever dreamed of: beers, MoJo drinks, Baileys-coffee, finger food, roulette games, roue de fortune, classy ambiance, jazz & lounge music, exceptional sponsors, and great prizes that can be won through raffles!

Don't miss this super opportunity to challenge your friends in Casino games, chat with your law or non-law buddies in a nice setting, and support a McGill Law club!

We would like to thank our partners: La Vie en Rose, MoJo Drinks, Matteo, HVM, Paragraph Bookstore and Thompson House. Be sure to look for prizes from these sponsors and much more!

See you there!

Ariane Lauzière
VP communications
McGill Law NMUN

**Casino Coffee
House Night**

Blackjack

Dice Games

Roulette

And more!

Au profit de
McGill Law NMUN

**November
5th**

DANCE WEEK: November 2nd – 6th 2009

An Initiative of the Student Well-Being Committee-

Joannie Jacob (LAW II)

WHAT?

Have you always wanted to learn how to dance but never had the time, the courage or the money to do so? Are you feeling overwhelmed, anxious and in need of some serious stress relief? Well the Student Well-Being Committee thought of you and is proud to present "Dance Week", a week of free dance classes and events at the Law Faculty!

SCHEDULE

Monday, Nov.2nd

Capoeira (Malcom Dort)

12:30-1:30pm, NCDH 316

* Please wear comfortable clothes and sneakers*

McGill Scottish Highland Dancing Society (TBC)

1:30-2:30pm, NCDH 316

Tuesday, Nov.3rd

Salsa (Oscar Miklos)

10:30-11:30am, Atrium

Wednesday, Nov.4th

McGill Swing Kids (Matthew & Daphna)

12:00-1:00pm, NCDH 316

African Dancing (Sarah Berger)

1:00-2:00pm, NCDH 316

* Please wear comfortable clothes and bring a towel & water*

Thursday, Nov.5th

Belly Dancing (Tiffany Boisvert)

10:00-11:30am, NCDH 204

PRIZES!

Attendance prizes will be drawn at the end of the week! To enter the draw, fill out the short survey that you will find online at the following link:

http://www.surveymonkey.com/s.aspx?sm=3fmHKJONWa9LXq_2bWiyVOMA_3d_3d

DESCRIPTION OF THE TEACHERS AND THEIR CLASS

*** Malcolm Dort – Capoeira ***

I encourage all of you to try out capoeira with me! Capoeira is a martial art that was first developed in the 1700s by African slaves living in Brazil. Once outlawed by the Brazilian government, capoeira is now one of Brazil's best cultural exports. Capoeira brings dance, combat, and music to-



gether to create a ritualized game between two players.

I practice Capoeira Angola, which is the traditional version of capoeira. Capoeira Angola is characterized by attention to balance and slow, careful movements. But perhaps more importantly, Capoeira Angola is about helping each other out and learning from one another. What this means for you, then, is that absolutely no experience

in capoeira, dance, martial arts, or even exercise is required to participate! Just bring a good attitude, a pair of sneakers, and comfortable workout clothes with you. Email me at malcolm.dort@mail.mcgill.ca with any questions.

*** Oscar Miklos – Salsa ***

I've been dancing salsa for 3 years, but my passion for Latin music dates back prior to my salsa days. Before dancing, I loved playing Latin tunes on my guitar. But there came a point where I noticed that it's actually the dancers, and not the musicians, who seem to have the most fun. So, I signed up for lessons and started going to salsa clubs in Vancouver.

When I came to Montreal, I signed up with San Tropez, a local Latin dance school. They gave me the opportunity to perform on their amateur team at various events – most notably at the Montreal Salsa Convention this past April.

At its core, salsa is all about feeling the music. It's not an easy beat to understand for beginners, but once you start dancing, you will appreciate its richness and complexity. "Salsa" literally means "a sauce" – which is accurate seeing how both the music and the dance

blend together different European, African, Latin and American influences. To a large extent, this explains its international appeal.

*** Daphna Harel – Swing ***

Daphna started swing dancing in September 2008, when she first stumbled upon the McGill Swing Kids. She finds it energizing, entertaining, and simply, a lot of fun. She is now the Co-Presi-

dent of the McGill Swing Kids (MSK), a McGill University club dedicated to making swing dancing accessible and affordable to students. She dances both with the MSK and local studios. She encourages anyone interested to give it a try, and hopes to see you on the dance floor!

***Matthew Richard Edward German
– Swing ***

I am probably one of the people you would least likely find dancing on a given night since I have very little coordination and grace. But somehow I now find myself teaching swing. It always impresses me how quickly people who have never done this before pick it up. I didn't even want to go my first time. My friends harassed me for a week to get me to go and it took me another three months to figure out the footwork. After that it was about a year before I had enough confidence to dance a whole song. You are guaranteed to figure it out though.

Some people, like me, take longer than others. This is why we learn; that is why we are taught – you want to find something that you know little about and slowly build on it until you develop into a wicked-cool dancer. I feel swing is one of the best dances around for this very purpose. I've tried hip-hop and tango a few times, but none of them really compare. In hip-hop, the dancers seem too focused on the routine and the choreography, while tango lacks any sense of gaiety and laughter. But swing is this super grungy, dirty dance, where the best way to figure it out is by letting loose and just going along with the music. That's what I did.

And now? I can dance at least well enough to teach a class.

***Sarah Berger Richardson –
African Dancing***

I started dancing in 2003 doing traditional Ivorian dancing (Ivory Coast). In 2004, I joined a traditional West African dance troupe. We performed across Montreal, and the rest of Que-

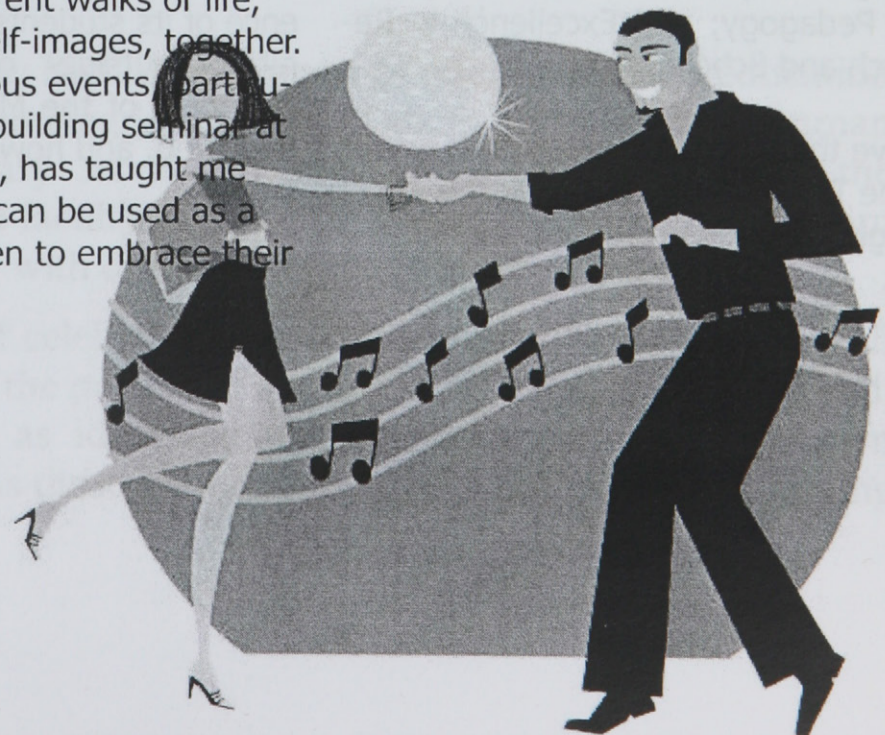
bec, doing routines from Guinea - Conakry. In 2007 I went to Guinea with my choreographer/teacher Oumar N'Diaye (former member of Le Ballet National de la Guinee) to train with other members of my troupe. I have been teaching a beginner class at the YMCA for 3 years, and also taught beginner classes at Afrique en Mouvement from 2006-2008.

I love to dance because it gives me a chance to move my body and let loose. Guinea has an incredibly rich tradition in dance and music and I love to learn about it. It is fun to get into a major sweat in the middle of the winter. And who can resist the call of those drums! I couldn't ever imagine not dancing.

** Tiffany Boisvert – Belly Dancing **

Belly dancing is an art that celebrates femininity and sensuality. It encourages a sense of community among women, and promotes self-confidence. There are many different styles, springing from different parts of the world.

I took up belly dancing just over two years ago with a few of my coworkers, and shortly after was asked to join the studio's performance troupe. It was while performing with the troupe that I came to appreciate the art as more than just a fun pastime. I was impressed by its ability to bring women of completely different walks of life, with a variety of self-images, together. Performing at various events, particularly a confidence building seminar at a rape crisis centre, has taught me that belly dancing can be used as a tool to teach women to embrace their rbody as it is.



Make your voices heard: Tell the Principal's Task Force what's on your mind

by Professor Robert Leckey

Last week, McGill Principal Heather Munroe-Blum announced that she wants to hear from members of the university community. She issued a call for written submissions for her Principal's Task Force on Diversity, Excellence, and Community Engagement.

The principal is convinced that diversity, excellence, and community engagement are mutually reinforcing. The Task Force's mission is to explore how McGill can enhance its performance and practice in relation to those three guiding ideas. During the next eighteen months, the Principal's Task Force will consult widely, meet for many hours, and eventually issue recommendations to guide university policy in these matters. Its terms of reference or mandate appear in more detail on its Web site: <https://home.mcgill.ca/principal/diversityexcellenceandcommunity/terms/>.

The Task Force is composed of students, staff members, professors, and friends of the university. Its 26 members will participate in the work of the group as a whole. Each also sits on one of five working groups. The working groups will reflect and advise on these subjects: Recruitment and Retention; Engaging with Diversity; Community Engagement; Excellence in Programs and Pedagogy; and Excellence in Research and Scholarship.

I have the privilege of being a member of the Task Force. I also chair the working group on Recruitment and Retention.

I believe that the recommendations of the Task Force have the potential to influence the university's direction significantly for years to come. I am convinced that there are many voices and ideas at the Faculty of Law that we on the Task Force need to hear.

The call for submissions is reproduced here in the Quid. I urge you, whether as individuals or, perhaps preferably, as members of the many clubs to which you belong, to consider very seriously making a submission. A submission need not be long or fancy. Indeed, I think it should be to-the-point and specific.

How do you or your club understand the relationship between diversity, excellence, and community engagement? How can McGill work to be more representative of the larger society in which it is located? What are the visible or invisible barriers that make McGill an uncomfortable or alienating space for some people who study or work here? Do our criteria for excellence reproduce established structures of advantage and disadvantage? How can McGill be better—more excellent, to use the Task Force's term—at teaching and researching? How can the university add more value to the educational experience of its students? In which communities outside our gates should members of the McGill community be engaging, and how?

The principal has made the clear that the Task Force's mission is not primarily to congratulate McGill for how great it already is. It is, rather, to identify areas that need improvement and to think about how to improve them.

I know—from the conversations I have with many of you, from the activities I see you undertaking, from reading the Quid—that many of you have much to say on the matters before the Task Force. The Task Force's mission in relation to diversity might imply a focus on the clubs associated with minority groups or equity issues. But, honestly, given the breadth of the focus on diversity, excellence, and community engagement, I suspect that all of your clubs—from the Aboriginal Law Association to the Business Law Association to the Ukrainian and Slavic Culture Club—have insights and thoughts to share.

Do please take the time to express your views. Exams are coming up and I know you have many demands on your time. But this is important. The deadline is 8 January 2010.

In the meantime, and during the months of the Task Force's work, don't hesitate to speak with me about this important matter.



Principal's Task Force on Diversity, Excellence and Community Engagement

CALL FOR SUBMISSIONS

The Principal's Task Force on Diversity, Excellence and Community Engagement aims to determine how McGill can, in the pursuit of excellence in the achievement of our academic mission, build strategically on some of McGill's characteristic strengths to enhance the quality for which we are celebrated in our teaching programs, research and scholarship, and the collegiality and inclusive nature of our academic community. These characteristic strengths include our research intensity, our international character and reach, our unique position in Quebec, the extremely bright and dedicated people who make up our community, and the breadth of backgrounds and perspectives among them. The Task Force is currently seeking written submissions from members of the McGill community – students, faculty, staff, alumni and friends – who have comments on today's conditions or suggestions for tomorrow's.

Submissions may be made electronically to: diversityexcellenceandcommunity@mcgill.ca, or by **contacting Ms Rania Awad**, Office of the Provost, James Administration, Suite 504, or rania.awad2@mcgill.ca. **The deadline for receipt of submissions is Friday, January 8th, 2010.**

Principal Munroe-Blum established the Task Force on Diversity, Excellence and Community Engagement to assess our strengths in achieving excellence, inclusiveness and community contribution in the pursuit of our mission. The Task Force will develop recommendations aimed at enhancing and better recognizing individual and institutional performance, making our community more welcoming and supportive, and strengthening our relationships with, and contributions to, the broader community in Montreal, Quebec, Canada and beyond, as well as increasing the impact of those relationships.

Within this framework, the Task Force invites submissions on issues of concern, with particular emphasis on the following:

- ♦ Enhancing diversity and broad access to McGill in support of offering the best education available to outstanding students, advancing knowledge at the highest levels of human achievement, and providing exemplary service to society. At the same time, the university will seek to include qualified faculty and administrative and support staff from diverse backgrounds, and who identify with different segments of the community.
- ♦ Fostering, supporting, recognising and celebrating the achievement of excellence by all members of the McGill community in the pursuit of our academic mission. To this end, we will draw on a range of means as identified through examination of our own practices across the university as well as those of our peers around the world, and aiming to match the best.

- ♦ More effectively and systemically harnessing the full power of the considerable knowledge, talent and energy of all members of our community, including alumni and friends, to partner more closely with our fellow citizens in Montreal, Quebec, Canada and the world, to learn from them, and to examine what we can do as a University to develop Faculty- and institution-wide programs that better serve our local and global communities.

The Task Force will consider confidential submissions, but not those that are anonymous. Issues of a particularly sensitive nature can be raised with Ms Victoria Meikle, Senior Policy Advisor to the Principal and Secretary to the Task Force, who will determine whether the matter might be put before the Task Force. Ms Meikle's electronic address is Victoria.Meikle@McGill.ca.

The Vision, Terms of Reference, and description of the Working Groups for the Principal's Task Force on Diversity, Excellence and Community Engagement are available on the University website, at <http://www.mcgill.ca/principal/diversityexcellenceandcommunity/>.

For further information, or to submit comments and ideas, or to arrange to make a submission, please contact diversityexcellenceandcommunity@mcgill.ca, or rania.awad2@mcgill.ca.

The deadline for receipt of submissions is Friday, January 8th, 2010.



Groupe d'étude de la principale sur la diversité, l'excellence et l'engagement communautaire

APPEL DE SOUMISSIONS

Le Groupe d'étude de la principale sur la diversité, l'excellence et l'engagement communautaire vise à déterminer par quels moyens l'Université McGill peut tirer parti, de manière stratégique, de certaines forces qui la caractérisent pour renforcer la qualité de ses programmes d'enseignement, de ses recherches et de ses travaux savants, ainsi que la collégialité et la nature inclusive de sa communauté. Cette réflexion aura lieu dans le cadre de la poursuite de l'excellence en vue de réaliser sa mission universitaire. Les forces qui sont caractéristiques à McGill comprennent ses activités de recherche, son envergure et sa portée internationales, sa position unique au Québec, sa communauté formée de personnes extrêmement brillantes et dévouées, et la diversité de leurs antécédents et de leurs perspectives. Le Groupe d'étude sollicite actuellement des soumissions écrites auprès des membres de la communauté de l'Université McGill – parmi les étudiants, les professeurs, le personnel non enseignant, les diplômés et amis mcgillois – qui souhaitent soumettre des commentaires sur la situation actuelle ou des suggestions pour l'avenir.

Les soumissions peuvent être envoyées par courrier électronique à l'adresse : diversityexcellenceandcommunity@mcgill.ca ou en communiquant avec M^{me} Rania Awad, Bureau du vice-principal exécutif, Pavillon de l'administration James, bureau 504, ou à l'adresse suivante : rania.awad2@mcgill.ca. Les soumissions doivent nous parvenir avant le vendredi 8 janvier 2010.

La professeure Heather Munroe-Blum a créé le Groupe d'étude de la principale sur la diversité, l'excellence et l'engagement communautaire pour évaluer les forces dont dispose l'Université en matière d'excellence, d'inclusion et de contribution communautaire, dans le cadre de la réalisation de sa mission. Le Groupe d'étude élaborera des recommandations en vue d'améliorer et de mieux reconnaître les résultats individuels et institutionnels, de rendre la communauté mcgilloise plus accueillante, de renforcer les relations qu'entretient l'Université avec la vaste communauté montréalaise, québécoise, canadienne et mondiale et d'accroître les retombées de ces relations.

Dans le cadre de cette démarche, le Groupe d'étude sollicite des soumissions en lien avec ces préoccupations, qui visent en particulier :

- ♦ À renforcer la diversité et à élargir l'accès à l'Université McGill afin d'offrir le meilleur enseignement possible à des étudiants exceptionnels, de favoriser le plus haut niveau de connaissances humaines et d'assurer un service exemplaire à la société. L'Université visera également à intégrer des professeurs et du personnel administratif et de soutien qualifiés dotés d'expériences variées et issus de différents segments de la communauté.

- ♦ À renforcer, à soutenir, à reconnaître et à célébrer l'excellence de tous les membres de la communauté de McGill dans le cadre de la réalisation de sa mission universitaire. À cette fin, nous ferons appel à une variété de moyens définis lors de l'évaluation de nos propres pratiques au sein de l'Université ainsi que de celles de nos pairs de partout dans le monde – et nous nous efforcerons de choisir les meilleurs.
- ♦ À exploiter de manière plus efficace et plus systématique les ressources considérables offertes par les connaissances, les compétences et l'énergie de tous les membres de notre communauté, y compris des diplômés et amis de l'Université, afin d'établir des partenariats étroits avec nos concitoyens montréalais, québécois, canadiens et mondiaux, d'apprendre à leur contact, ainsi que d'examiner les possibilités de l'Université pour mettre en place des programmes qui servent mieux les communautés locale et mondiale à l'échelle des facultés et de l'établissement.

Le Groupe d'étude examinera les soumissions confidentielles mais rejettera les soumissions anonymes. Pour les questions particulièrement sensibles, se renseigner auprès de M^{me} Victoria Meikle, conseillère principale en politiques auprès de la principale et secrétaire du Groupe d'étude, qui déterminera si la question donnée peut être présentée. L'adresse électronique de M^{me} Meikle est la suivante : victoria.meikle@mcgill.ca.

Vous pouvez prendre connaissance de la vision, du mandat et de la description du Groupe d'étude de la principale sur la diversité, l'excellence et l'engagement communautaire sur le site Web de l'Université à l'adresse suivante :

<http://www.mcgill.ca/principal/diversityexcellenceandcommunity/>

Pour obtenir de plus amples renseignements, présenter des commentaires et des idées ou soumettre une soumission, veuillez communiquer aux deux adresses suivantes : diversityexcellenceandcommunity@mcgill.ca ou rania.awad2@mcgill.ca.

Date limite pour recevoir les soumissions : le vendredi 8 janvier 2010

Rapport public sur les clubs et services de l'AÉD

Martin LeBlanc Rioux (LAW III) VP – clubs et services

L'exécutif 2009-2010 fait la promotion d'une AÉD ouverte et responsable. J'expliquerai dans les lignes qui suivent ce qui a été fait et ce que nous voulons accomplir en terme de clubs et services cette année.

J'aimerais d'abord remercier tous les étudiant-e-s, les professeur-e-s et les membres du personnel de la faculté qui s'engagent au sein des clubs étudiants. D'année en année, les clubs actifs de notre faculté bonifient la vie étudiant du Pavillon Chancellor Day, du campus de McGill et de Montréal.

Agenda et bottin

Malheureusement, le Bogenda n'est plus. Je tiens toutefois à féliciter mes prédécesseurs : ils ont investi un travail et un effort remarquable en concrétisant cette idée originale, c'est-à-dire un agenda et un bottin en un seul document.

Cette année, l'AÉD a mis un terme à cette tradition afin de privilégier un agenda remis dès la rentrée, et ce, en réduisant les coûts du projet. Notre agenda fut distribué le vendredi 11 septembre et le bottin sera en ligne (muni d'une protection à accès limité) en novembre.

Le Bogenda de l'an dernier a coûté 9 500\$. Cette année, l'agenda et le bottin ont coûté 5 800\$. Avec les commandites, ce projet représente un profit de plus de 16 000\$, dont la majorité sera dédié au financement des clubs.

L'agenda et le bottin de cette année illustre notre engagement envers une AÉD verte. Alors que l'agenda est imprimé sur papier recyclé, le bottin en ligne réduit la quantité de papier utilisée.

L'agenda et le bottin s'améliorent aussi par un contenu entièrement bilingue, correspondant ainsi au bilinguisme de notre faculté. En revanche, les commandites ainsi que la publicité du Centre de Développement Professionnel demeurent unilingues anglaises ou dominées par l'anglais. Ainsi, je recommande fortement à mon successeur d'obliger le bilinguisme de toute publicité achetée dans l'agenda – il en va du conditionnement de notre espace, reflet de notre identité, qui doit promouvoir l'égalité réelle des deux langues officielles.

Clubs

Je suis fier d'annoncer que le nombre de club a augmenté de 17 l'an dernier à 28 cette année.

Il s'agit à la fois d'une opportunité et d'un défi. Le nombre croissant de clubs atteste de la vitalité du corps étudiant et de la faculté. Cette augmentation diminue toutefois la quantité de fonds disponibles pour chaque club. Ainsi, j'en-

courage l'innovation et la créativité des étudiant-e-s, des professeur-e-s et des membres de l'administration afin de diversifier les sources de financement disponibles. Un bon exemple est l'entente de la semaine dernière qui permet aux clubs de vendre de la nourriture et de la boisson non alcoolisée lors des séances d'éducation continue. Chapeau à Prof. Jukier et Me Bélanger!

J'encourage vivement les étudiant-e-s à s'engager au sein des clubs de la faculté. Voici une liste des clubs (aussi inclut sont les fonds alloués par l'AÉD pour l'année scolaire 2009-2010):

CLUBS	FONDS DE L'AÉD (\$)
Groupe d'action en matière des droits de la personne	3500
Association des étudiant-e-s noirs en droit	1200
Droit communautaire	1200
Société de droit international	900
Caucus des femmes	700
Association arabe des étudiant-e-s en droit	600
Association du droit de l'Asie Pacifique	600
Association du droit du sport et du divertissement	600
Association du droit autochtone	500
Droit environnemental McGill	500
Revue de droit et santé	500
Avocat-e-s sans frontières	500
Association des étudiant-e-s musulman-e-s en droit	500
Association des étudiant-e-s gays et lesbiennes	500
Pro Bono	500
Repenser les droits intellectuels	450
L'handicap & le droit	375
Société de droit constitutionnel comparé	350
Communauté radicale de droit	350
Fond de défense des droits des animaux	350
Actus Reus	200
Association du droit des affaires	200
Association latino-américaine des étudiant-e-s en droit	200
Simulation de l'ONU	200
Justice et reproduction	200
Legal Frontiers (blogue)	150
Club d'échec	100
Société Thomas More	75
TOTAL	16000

Aucun club n'a obtenu la totalité des fonds demandée.

Le Dean's Discretionary Fund et le Campus Life Fund offrent des fonds additionnels. L'AEÉD saura guider et appuyer les clubs afin d'obtenir une part de ces fonds. De plus, ma collègue Elena Haba, VP – Relations publiques, conçoit actuellement un programme de commandites visant les petits et moyens cabinets. Nous avons noté les événements prévus par les clubs et ce nouveau programme les soulignera.

Finalement, les étudiant-e-s en droit doivent savoir que l'Association des étudiants de l'Université McGill (AEUM) a diminué les fonds alloués aux clubs de la faculté de droit. L'AEUM a sabré la moitié des fonds disponibles, passant de 6 000\$ l'an dernier à 3 000\$ cette année. L'AEÉD et les étudiant-e-s en droit auront intérêt à discuter la pertinence de notre adhésion à l'AEUM.

Recyclage et bilinguisme

Au-delà du mandat traditionnel du VP – clubs et services, je

m'engage à améliorer le recyclage et le bilinguisme au sein de la faculté.

Quant au recyclage, l'objectif est clair et simple : à côté de chaque poubelle, il devra y avoir un contenant de recyclage. Je travaillerai de concert avec Droit environnemental McGill, la commission et le comité environnemental de l'AEÉD ainsi que d'autres intéressés afin d'atteindre cet objectif.

En ce qui concerne le bilinguisme, l'objectif est de repérer et d'étudier les aspects du bilinguisme de la faculté qui pourraient être améliorés. De plus, nous devons modifier les arrêtés de l'AEÉD afin d'assurer une communication et une prestation de services égaux en français et en anglais.

Finalement, j'ai hâte de vous écouter et de vous lire. Les questions, les commentaires et les suggestions sont toujours bienvenus. N'hésitez pas à m'écrire à vp-clubs.lsa@mail.mcgill.ca.

Public Report on LSA Clubs and Services

Martin LeBlanc Rioux (LAW III) VP – Clubs and Services

The 2009-2010 LSA executive is committed to promoting an open and accountable student association. Accordingly, I am submitting this public report on what has been done and on what we plan to do in terms of clubs and services this year.

I would first like to thank all students, professors and staff members who take the time to get involved in student clubs. Vibrant and active clubs have a strong tradition at the Faculty of Law. Year after year, they enhance student life at Chancellor Day Hall, the McGill campus and Montréal.

Agenda and Student Directory

Unfortunately, this year marks the end of the Bogenda. I would like to applaud my predecessors' incredible work and effort in crafting the original idea of combining both the agenda and the student directory in a same document.

This year's LSA decided to end the tradition in order to hand out an agenda in the first weeks of school as well as lower costs. The agenda was distributed on Friday September 11th, and the student directory will be online (with limited access protection) in November.

Last year's Bogenda cost \$9,500. This year, the agenda and the student directory cost \$5,800. With revenues from

sponsorship, the whole project produced a surplus of more than \$16,000, most of which is dedicated to funding clubs.

This year's agenda and student directory are concrete examples of our commitment to a greener LSA. For the very first time, the agenda is printed with recycled paper, and the online student directory reduces the amount of paper used.

Other improvements to the agenda and student directory include the entirely bilingual content, reflective of the Faculty's bilingualism. However, sponsor's advertisements and

the CDO's advertisement remain English-only or English predominant. I thus highly recommend my successor to impose compulsory bilingualism of all advertisement bought in the agenda. This is essential to condition space to better reflect and promote the equality of both official languages. □

Clubs

I am proud to announce the number of clubs grew from 17 last year to 28 this year.

This is both an opportunity and a challenge. The growing number of clubs testifies to the vitality of our student body and of our Faculty as a whole. It however reduces the amount of funds available per club. As such, I invite students, professors and the faculty administration to be innovative in diversifying sources of income to fund clubs, an essential part of student life at the



Faculty. A great example of this is last week's agreement to let clubs sell food and drinks during Continuing Education Series. Hat's off to Prof. Jukier and Me Bélanger!

I strongly encourage students to get involved in this year's clubs. Here is a list of faculty clubs (also included are the funds granted by the LSA for the 2009-2010 academic year):

CLUBS	LSA FUNDS (\$)
Human Rights Working Group	3500
Black Law Students' Association	1200
Community Law	1200
McGill International Law Society	900
Women's Caucus	700
Arab Law Students' Association	600
Asian Pacific Law Association	600
Entertainment and Sports Law Association	600
Aboriginal Law Association	500
Environmental Law McGill	500
Journal of Law and Health	500
Lawyers Without Borders	500
Muslim Law Students' Association	500
Outlaw	500
Pro Bono	500
Rethinking Intellectual Property Policy	450
Disability & the Law	375
Comparative Constitutional Law Society	350
Radlaw	350
Student Animal Legal Defense Fund	350
Actus Reus	200
Business Law Association	200
Latin American Law Students' Association	200
Model UN	200
Reproductive Justice	200
Legal Frontiers (blog)	150
Chess Club	100
Thomas More Society	75
TOTAL	16000

Unfortunately, no club got the total of funds it requested.

Additional funds are available from the Dean's Discretionary Fund and the Campus Life Fund. The LSA will assist clubs in obtaining these funds. Furthermore, my colleague Elena Haba, VP – Public Relations, is working hard on a new sponsorship package for small and medium firms. We took notice of events planned by clubs, and we will highlight them in this new sponsorship package.

Finally, law students should know that the Student Society of McGill University (SSMU) cut funding to clubs of the Faculty of Law. These funds were reduced from \$6,000 last year to \$3,000 this year. It may be time for law students and the LSA executive to discuss the relevance of our affili-

ation to SSMU.

Recycling and Bilingualism

On top of the traditional clubs and services mandate, I am committed to enhancing recycling and bilingualism at the Faculty.

In terms of recycling, the objective is clear and simple: Beside every garbage can at the faculty there shall be a recycling bin. I will be working with Environmental Law McGill, the LSA Environment Committee and Commission as well as other parties to achieve this objective.

In terms of bilingualism, the goal is to gather information and identify areas in which we could improve the use of both French and English in the Faculty. We should also consider amending the LSA by-laws to ensure that we provide services and communication with our membership in both official languages.

Finally, I am open and eager to hear from you. Questions, comments and suggestions are always welcome. Do not hesitate to contact me at vp-clubs.lsa@mail.mcgill.ca.

[a poem from a former life]

by Bill Shipley (LAW I)

The Metamorphosis of Dali

Dreaming, darkened paintings might
Revel in their leveled light,
Viewing through my skewered eyes
Visions they had proselytized;
Through their schemes, though seeming slight,
Liven this most livid night,
Wreak revenge on shallow minds
That could not read the depths of lines.

In unconsciousness unbound,
Latent memory was rewound,
Leaving me, the viewer, their
Subtleties forced unaware.
Subtle saboteurs had laid
Ambush for a world decayed.
Clever dreams were dreamt through me,
Dreading my reality.

In these subtleties I found
Lustrous beauties did abound.
Through their twisted, clever care,
(Tormented) I had found the fair
Beauty I had failed to see
Fairly few hours previously,
Then waking, soaked in liquid thought
Flowing, knowing what was taught.

Normal, l'homme?

by Marc-James Tacheji (LAW I)

A plusieurs reprises, lors de mon expérience très peu extensive du droit, j'ai été confronté à l'homme normal. Si ce personnage investit de part en part le domaine du droit extracontractuel, nous le retrouvons également dans plusieurs autres domaines du droit (obligations contractuelles, droit criminel, etc.). Cependant, comme d'autres ont pris la peine de le reconnaître avant moi, personne n'a jamais rencontré un tel homme. De plus, l'idée même d'un « standard de l'homme normal » est un concept qui, par sa nature exclusive, fait violence à quiconque ne peut se soumettre à ce standard. La question que je pose ici est cependant différente.

Il me semble que la notion même de « normalité » ne relève pas du champ épistémique propre au droit. Si ce domaine, en son sens positif, possède une connaissance extensive des divers systèmes de lois, de ce qui tombe à l'intérieur ou en dehors du discours légal, de ce qu'est un acte légitime et de ce qu'est un acte illégitime, il n'a, pour autant, aucune compétence dans la détermination de ce qui distingue une personnalité normale d'une personnalité anormale. Même une approche sociologique au droit, approche qui a parmi ses mérites celui de comprendre la perméabilité du droit à la structure sociale dans laquelle il s'insère, celui de comprendre la transformation des normes en droit, celui de concevoir l'effet du discours légal sur le discours structurel et vice-versa, ne peut, à lui seul, déterminer ce qu'est la normalité. D'où alors provient notre « standard de l'homme raisonnable »¹ ?

Pour répondre à cette question, il faut (au minimum) retourner aux sources des techniques punitives contemporaines, à savoir, à l'apparition de l'idéologie utilitariste et à l'émergence de la notion d'intérêt criminel au XVIII^e siècle.

La pratique punitive subit à cette époque des transformations majeures. Depuis le Moyen-âge au moins, et jus-

qu'au début du XIX^e encore, le pouvoir se déployait suivant une logique de l'excès. À l'acte excessif du sujet répondait le pouvoir démesuré du souverain. En ce sens, par exemple, les assises prenaient la forme d'une joute spectaculaire entre le corps du criminel (voué à l'extinction) et le corps souverain. Dans cette logique punitive, les mots d'ordre étaient la démesure, la vengeance, la rivalité et la force violente. À partir du XVIII^e cependant, une nouvelle philosophie punitive émerge et fait compétition à la logique dominante de la punition à excès. Désormais, la sanction veut suivre une logique économique, logique souscrivant à un « ensemble de procédés, et en même temps d'analyses, qui permettent de majorer les effets de pouvoir, de diminuer le coût de l'exercice du pouvoir et d'intégrer l'exercice du pouvoir aux mécanismes de production² ». Ainsi, au déchaînement se substitue la mesure, à la vengeance du souverain, la raison, et au corps du criminel, l'homme.

Qu'est-ce que cet « homme » et, trêve de polémique, en quoi est-il apparu au XVIII^e siècle ? J'entends ici, par *homme*, un complexe constitué d'un corps, d'une âme, d'une raison, d'intérêts, de passions, de sentiments, de volontés et/ou de désirs, bref, d'autant d'éléments qui, pour un droit intéressé par la démonstration du pouvoir illimité du souverain, sont sans pertinence. À partir du XVIII^e siècle, souscrivant à une logique économique, le droit doit trouver un nouveau critère qui devra permettre de punir *juste assez* et sans dépense superflue. C'est à partir de ce moment qu'au corps du criminel se substitue l'« homme rationnel » et à son crime, la notion d'« intérêt ». Dans la logique punitive moderne, c'est à partir de l'intérêt précédant le crime, c'est-à-dire depuis la rationalité criminelle, qu'on peut fixer la mesure de la peine. La notion d'intérêt permet de déterminer la peine suffisante à appliquer à un crime pour garantir la punition et la dissuasion.

Avec cette notion apparaît, sur la scène juridique, un nouveau personnage : le psychiatre. Effectivement, on s'aperçoit que la rationalité criminelle se subdivise en réalité en deux éléments : l'intérêt précédant le crime (l'intelligibilité) d'une part et l'état de rationalité du sujet au moment du crime d'autre part. Si l'intérêt du crime permet de fixer la mesure juste de la sanction, c'est d'abord l'état de rationalité (ou de démence) du criminel qui justifie la possibilité même de cette sanction : « Il n'y a ni crime ni délit, lorsque le prévenu était en état de démence au temps de l'action, ou lorsqu'il a été contraint par une force à laquelle il n'a pu résister³ ». Dans la nouvelle logique punitive, un crime exécuté en état de démence ne relève plus du domaine pénal, mais du domaine asilaire (et éventuellement du domaine psychiatrique). Désormais, le processus judiciaire ne peut plus se passer de l'ingérence de l'expertise du psychiatre.

Cependant, l'articulation « intelligibilité du crime »/« rationalité du criminel » peut en pratique prendre trois formes. Si deux de ses formes trouvent leurs réponses et leurs conséquences dans les espaces pénaux et asilaires, l'articulation impliquant un sujet rationnel posant un geste inintelligible, entendons un geste *déraisonnable*, ne trouve initialement aucune réponse convenable. La nouvelle logique punitive, en mesurant la peine à l'aune de l'intérêt, se voit incapable de trouver la juste mesure pour la multiplicité des crimes sans intérêt posés par des sujets rationnels. Cette zone trouble a permis une nouvelle pétition de la psychiatrie dans l'espace juridique, pétition justifiée par la prétention du psychiatre à pouvoir rendre *intelligible* le geste *déraisonnable*.

L'intelligibilité du geste est promise au travers d'un savoir sur la psyché. Conséquence de cette ingérence de la part du domaine psychiatrique, l'entiereté de la question de la peine, c'est-à-dire à la fois la question de la rationalité du criminel et la question de l'intelligi-

bilité de l'acte, se trouve sous la gouverne d'un « savoir sur l'accusé ». Désormais, le discours du droit pénal, que ce soit explicitement ou implicitement, se voit de part en part investi par le discours de la psychiatrie.

À partir de ce moment apparaît tout un nouveau domaine de savoir (et de pouvoir) dont on ne peut plus, aujourd'hui, ne pas tenir compte. Cette espace de savoir-pouvoir signifie l'identification et la constitution du « criminel » (du délinquant, du déviant, de l'incorrigible, etc.) à partir d'un complexe constitué d'un corps, de gestes, de discours et de désirs en écart de la normale⁴. La subjectivité est fixée comme l'espace au sein duquel le crime préexiste au crime. L'histoire individuelle devient l'espace à partir duquel le crime pouvait être prévu ou plutôt – du moment qu'il a déjà été commis – l'espace à partir duquel il peut être compris. À l'intérêt, le discours psychiatrique substitue l'identification du sujet à son crime. À l'intelligibilité de l'acte, il substitue l'histoire intelligible d'un acte autrement incompréhensible.

Ce qui doit retenir notre attention est la contradiction inhérente à l'apport normatif de l'expertise psychiatrique dans le domaine pénal. D'une part, dans ses développements théoriques, la psychiatrie est une analyse descriptive des différentes formes que peut adopter la psyché humaine. Elle est une étude des différentes normes qui peuvent résulter du combat constant entre les normes subjectives et les normes structurelles. En ce sens, le champ épistémologique propre au savoir sur la psyché ne permet pas, en lui-même, l'émergence d'un critère permettant de juger de la valeur d'une norme par rapport à une autre. D'autre part cependant, réduite à son activité performative (à son « efficacité »), la psychiatrie est contrainte, dans le domaine pénal, à rendre un jugement normatif aussi immédiat que possible et à faire fonctionner ce jugement dans la rééducation subséquente de la subjectivité criminelle.

La résultante de cette contradiction est un discours exposé à la confusion de ses fonctions et souvent vulnérable à un recouvrement idéologique.

Désormais encastrée dans les pratiques gouvernementales, la psychiatrie (et, sous son influence, le juge) se prononce non plus par rapport au crime à punir que par rapport à la subjectivité à corriger, c'est-à-dire par rapport à la différence à normaliser, par rapport à la déviation perturbatrice à assimiler.

On entendra par exemple l'expertise psychiatrique dire au sujet d'un homme accusé en 1956 de complicité ou d'incitation au meurtre d'un enfant⁵, qu'il « appartient à un milieu peu homogène et socialement mal établi. Enfant illégitime, il a été élevé par sa mère, n'a été reconnu que très tardivement par son père, et s'est alors trouvé des demi-frères sans qu'une véritable cohésion familiale puisse s'établir. D'autant plus que, le père mort, il s'est retrouvé seul avec sa mère, femme de condition assez trouble », que « l'uniforme [militaire] n'a pas beaucoup normalisé [son] attitude » et encore qu'il « passait littéralement toutes ses heures de liberté à collectionner les maîtresses, en général faciles ». Pareillement, dans une affaire concernant trois homosexuels détenus pour chefs de vol et de chantage en 1973⁶, on entend l'expertise médico-légale dire au sujet du premier que « moralement, il est homosexuel depuis l'âge de douze ou treize ans », qu'il est « totalement immoral, cynique, voire même bavard. Il y a trois mille ans, il aurait certainement habité Sodome et les feux du ciel l'auraient très justement puni de son vice » et finalement qu'il « incite au mépris et au vomissement ». Au sujet du second accusé, l'expertise dira qu'il aurait mérité la même punition [brûler dans les feux de Sodome], et au sujet de l'amour liant le premier et le troisième qu'« il faut voir l'allure efféminée de l'un et de l'autre pour comprendre qu'un tel mot puisse être employé, quand il s'agit de deux hommes tellement efféminés que ce n'est plus Sodome, mais Gomorrhe, qu'ils auraient dû habiter ».

Dans ses deux exemples, des événements de dimension éthique qui n'ont, en soi, aucune valeur criminelle, sont rappelés comme éléments constitutifs d'une subjectivité. Ils sont ensuite réactivés comme étant à l'origine d'un délit. En d'autres termes, des modes de vie différents (la naissance hors ma-

riage, la famille monoparentale, le refus de l'activité militaire, le libertinage, l'homosexualité, etc.) se voient subtilement réinsérés dans une mécanique de reproduction d'une normale déterminée par les impératifs moraux d'une idéologie donnée.

Plutôt que d'être puni pour un acte, la référence à un « homme normal » ouvre aujourd'hui sur la possibilité d'une punition visant un mode de vie, un mode d'être ou une différence. On est autorisé, en ce sens, à rappeler ce passage de *L'Anti-Œdipe* affirmant qu'« en vérité (...) le système de la terreur a remplacé celui de la cruauté⁷ ».

L'évènement que représente la subjectivité de l'accusé se voit défini à partir de la catégorie préétablie, ici, la morale dominante et la subjectivité dite « normale ». La punition prendra la forme d'une assimilation justifiée en termes de « réhabilitation » et de « réinsertion⁸ ». Le juge deviendra médecin. En ce sens, l'expertise psychiatrique qui investit la pratique pénale ne doit plus être considérée comme une science ou une connaissance (un mathème), mais comme une pratique, un outil ou un usage (une *praxis*). Son ingérence doit être comprise comme une technique et une politique de l'homme : non plus une *connaissance*, mais une *maîtrise* des choses. Cette ingérence convertit assidûment la différence au même. La « criminalisation » et sa contrepartie la « normalisation » (ou la « réinsertion ») deviennent une rationalité de l'assimilation, une assimilation justifiée par un discours dit rationnel lorsque savoir et pouvoir (psychiatrie et droit, criminologie et prison) se voient intriquées selon une logique conservatrice.

Ce texte ne se veut pas inutilement alarmiste. Il est typique que dans l'évolution d'une structure, certaines institutions viennent à se côtoyer, se frotter et se délayer les unes sur les autres. Ce que j'ai voulu démontrer est que le standard d'un « homme normal » repose sur les contingences évolutives de notre structure particulière. En d'autres termes, « il aurait toujours pu en être autrement ». Notre système, explicitement ou non, tient compte de l'histoire individuelle ou de l'histoire du geste, dans la sentence. Je laisse au lecteur la

liberté de déterminer si une telle pratique est nécessaire, utile ou inutile, et dans quelle mesure. Mon projet était simplement de mettre en lumière une des facettes de l'histoire de ce qui, aujourd'hui, est pris pour acquis, soit « l'homme normal ».

(La littérature utilisée pour écrire ce texte est un melting-pot de Nietzsche (notamment la *Généalogie de la morale*, Livre III et le *Gai savoir*), Georges Canguilhem (surtout *Le normal et le pathologique* et *La connaissance du vivant*), Gilles Deleuze (*Nietzsche, Différence et répétition*, et *L'Anti-Œdipe*), et Michel Foucault (1972 à 1976))

¹ Dans le présent article, je ne me pencherai que sur la notion d'homme raisonnable dans le droit civil. À mon avis, les standards du « bon père de famille » et du « reasonable man » de la *com-*

mon law sont absolument à distinguer de celui de l'homme raisonnable civiliste. Parler de « La tradition Civiliste » est déjà, en soi, une énorme pétition de principe puisqu'à mon sens, encore faudrait-il concentrer ses efforts sur une tradition à la fois (le droit civil québécois n'étant pas, par exemple, le droit civil français).

² Michel Foucault. « Cours du 29 janvier 1975 » dans *Les Anormaux : Cours au Collège de France 1974-1975*, Paris, Seuil/Gallimard, 1999 à la p. 80 [Foucault, *Les Anormaux*].

³ Code pénal impérial (12 février 1810), art. 64.

⁴ Michel Foucault. « Cours du 14 janvier 1976 » dans *Il faut défendre la société : Cours au Collège de France 1976*, Paris, Seuil/Gallimard, 1997 à la p. 27.

⁵ *L'Affaire Denise Labbé- [Jacques] Algarron*, Paris, 1956 (Bibliothèque nationale de France, *Factums*, 16 Fm 1449), reproduite dans Foucault, « Cours du 8 janvier 1975 » dans *Les Anormaux*, *supra* note 2 aux pp. 4-5.

⁶ "Expertise psychiatrique et justice", *Actes. Les cahiers d'action juridique*, 5/6, décembre 1974-janvier 1975 aux pp. 38-39, reproduite dans Foucault, « Cours du 8 janvier 1975 » dans *Les Anormaux*, *supra* note 2 à la p. 6.

⁷ Gilles Deleuze et Félix Guattari, *Capitalisme et schizophrénie I : L'Anti-Œdipe*, Paris, Minuit, 1973 à la p. 250.

⁸ Termes dont les préfixes renvoient d'ailleurs explicitement à la présence d'une catégorie prédéfinie.

What Say You?

The Quid Novi would like to thank Alexandra Dodger (LAW III) for submitting the following piece in response to last week's call for submissions on the recent decision by the Supreme Court of Canada.

The Quebec primary and secondary education systems remain something of a mystery to me. Though I have lived here for three years now, I still consider myself something of an outsider when it comes to understanding the school choices many parents make. Before I came to law school, I worked with organizations that researched and promoted affordable post-secondary education in Ontario; Quebec was often held up as a model of how institutions could be both of high quality and affordability.

In the rest of Canada, many regard Quebec as a society that values social programs, and has chosen higher income taxes to invest heavily in these programs. We hear about investments in childcare, student grants, and social solidarity initiatives. So imagine my

shock when I arrived at McGill and found that many of my classmates had paid more for their high schools than my parents earn in a year. 17% of Quebec high school students attend private secondary schools and within Montreal, that number jumps to 30%. I find this shocking. Other provinces have a rate closer to 5%. My peers have enumerated various reasons ranging from "the public schools are really bad" to "my parents wanted me to have a religious education," to "they wanted me to learn English." There - that last one is at the core of the Bill 104 debate. Is that part of the reason behind the enormous privatization of education in Quebec?

I have heard the debate framed as one of Anglophone v. Francophone, but I have also heard it framed as rich parents v. poor parents. Wealthier parents can afford to send their children to private English language institutions for the duration of their education, but lower income families might be able to afford a year or two in the private school, after which point they hope to launch their children into the public English system. Where does this sense

of exasperation come from, which leads parents to willingly put their children through stressful and dramatic school changes every few years? Why are they so fretful of the opportunities their child will have as a graduate of a French language school in Quebec?

When I hear about immigrant parents anxious to push their children into English schools, my initial reaction is to wonder if they realize that English is foisted onto people in every culture around the world through mass media, and that even without formal English education, many Montrealers are fluent. Nonetheless, I still retain my status as observer, and admit I don't have a full grasp of whether there is some other kind of status or goal they are seeking.

It strikes me that growing inequality is a serious challenge to Quebec's culture too, and the best solution to this problem would be one that invests in public schools enough that parents will be proud of what's on offer in the public system, and will want their children to go there.

(Not) Rocket Surgery

by Michael Shortt (LAW I)

Today's column is targeted at our collective sweet-teeth, and covers three Montreal confectionary shops (the latter turn of phrase being a fancy way of saying "candy store"). I had thought about including Rockaberry's since – shockingly – even some Montreal natives are unaware of this quirky pie restaurant. In the end I decided to go for the more obscure options and I think your dentists will thank me for it. Speaking of gratitude, I owe an extra-contractual obligation of thanks to three of my classmates who introduced me to each of these restaurants.

1) Cocoa Locale (4807 Avenue du Parc, closed Monday-Tuesday, open Wednesday-Sunday 12pm-6pm): This local business is run by Reema Singh, who makes every cake sold in her Mile-End store by hand. I can confirm that they're delicious, having sampled both the strawberry-vanilla and chocolate-mint varieties. Both were mouth-wateringly moist, struck the perfect cake-frosting balance, and were rich enough that even a small slice was deeply satisfying. Prices run from \$8-10 for small cakes to \$15-17 for large ones.

Cakes aren't the only delicacies being offered, either. Singh also bakes cookies, brownies and cupcakes – including the unique "cupcake à deux!" Sadly, I have yet to try them all, but the flavours remain extremely diverse, from strawberry-peanut butter tartelettes, to creamsicle cakes, to Val-

rhona chocolate brownies. Orders can be placed in person or over the phone at 514-271-7162. Credit is awarded to Mary Opolko, L1, for introducing me and several lucky classmates to Cocoa Locale.

2) Pushap Sweets (5195 Rue Paré, Namur Metro): Far, far outside the McGill bubble, Pushap is a five-minute walk from the Namur Metro station (orange line, close to Côte Vertu). That means roughly twenty to thirty minutes worth of metro time from the McGill station. But before you skip to the final entry in this list, you should know that Pushap is very much worth the trip.

Despite being a sweet shop, Pushap doubles as a very good, very cheap Indian restaurant. All cuisine is vegetarian, and maxes out at \$10-12, but most people get the Thali, a selection of vegetarian dishes for \$5.75 (Nothing says "I love you so much I refuse to put a pecuniary value on our relationship" like taking a significant other to Pushap, followed by a visit to the nearby Dollar Cinema).

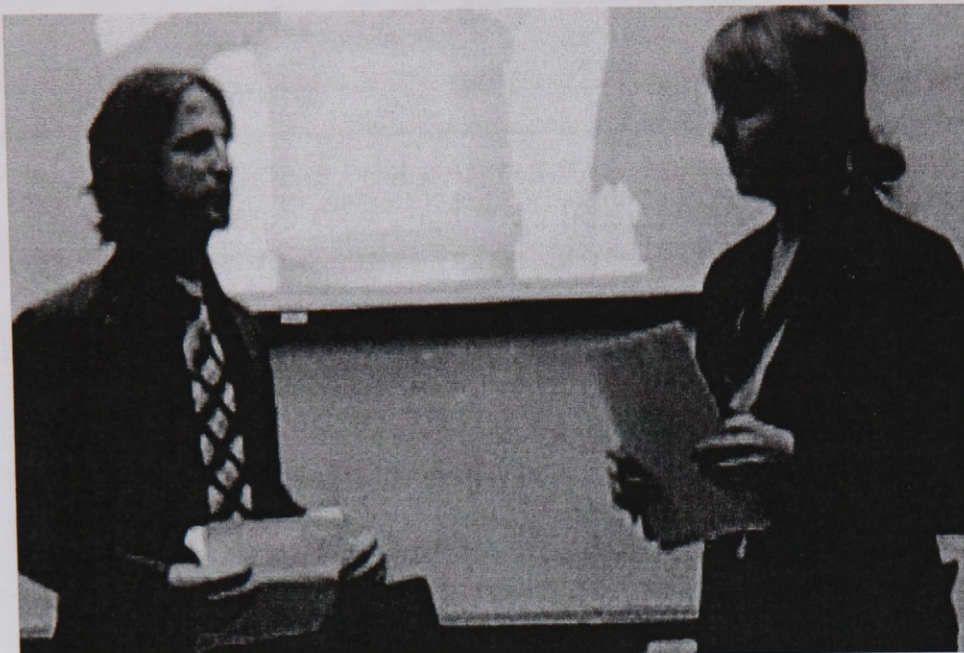
All sweets at Pushap cost 50 cents each and cover the full spectrum of Indian desserts. Spectrum is the operative word here, as many are brightly-coloured works of art as well as scrumptious tidbits. If you feel overwhelmed by the choices on offer, I recommend *gulab jamun* (timbit-sized balls of caked soaked in sugary syrup), a more decadent variant of *galub*

jamun (this kind is shaped like mini-hotdogs filled with cream) and *jalebi* (deepfried batter with a sweet candy coating). Credit to Gabriel Joshee-Arnal for the names of the sweets and organizing an L1 trip out to Pushap's last month.

3) Efes (689 Rue St. Roch): This recommendation is courtesy of our classmate Silvia Dimitrova, L1, who is familiar with both Efes and Turkish confectionary in general, and assures me that Efes is probably the best place in Montreal for Turkish and associated sweets. In fact, I'll quote her verbatim (footnotes omitted): "aaah...I crave the pistachio baklava, burek and Turkish delight, all baked at the EFES almost every night. By that time the confectionary place is already closed, but the memories of melting down on a piece of baklava at the EFES are always fresh at bed time, as fresh as a piece of Turkish "lokum" spreading its seductive fragrance around the room and tempting you to have another of those irresistible pieces....it might well become the addiction of your life. Of course, this is where self-control kicks in. :D"



DROIT À L'IMAGE



LEGAL

METH PRESENTATION REVIEWS

'A Day in the Life'

Mr. Rogers moves from the neighbourhood to the red light district in this presentation tackling intimate relations between lawyers and clients as well as between lawyers.

Beyond its 'beautiful day in the neighbourhood' intro replete with costume changes, a brilliantly acted skit portrayed the trials, tribulations, and temptations of Toronto lawyer Candice Shore (Krista Zeman) and her civil law counterpart, Guy Laliberté (Alex Carrier). Shore's "hottie client" is Nigel Bloomington (Corey Omer), a man who, while finalizing his divorce, pro-

ceeds to make advances to Shore, suggesting that while the judge may not accord him damages, he could 'seek compensation elsewhere' – namely with his attorney.

Laliberté, a noted casanova suggests Shore seek fulfillment, and thus she

moves her next meeting with Mr. Bloomington from Matteo's to her office - Room 312. While shore thinks the matter is under wraps, the entire office finds out about her indiscretions when an e-mail is circulated to all employees:

Reply Reply to All Forward Move Delete Junk Close

room 310

LAWSTUDENT - Announcements for Law Students at McGill [LAWSTUDENT@LISTS.MCGILL.CA] on behalf of Margaret Baratta [margaret.baratta@mcgill.ca]

This message was sent with High Importance.

Sent: September 11, 2009 10:48 AM

To: LAWSTUDENT@LISTS.MCGILL.CA

To all employees: after **engaging in personal matters** in room 312, could you please reconfigure the tables as you found them? Also, the lack of power plugs will not be resolved with THAT kind of use...

Margaret Baratta

Administrative Officer/Building Director

Review: Lawyer-Client Relations Trilogy

This presentation, comprised of three separate – and excellently edited – videos highlighted issues in lawyer-client relationships. The videos speak for themselves, are viewable to any one on facebook:

Video 1: Hétu Éthique:

<http://www.facebook.com/video/video.php?v=519306869547>



Ce vidéo nous présente la publicité faite par un cabinet d'avocat (Hétu Éthique) qui promet de gagner plus que cent pour cent des cas ainsi que

des cadeaux pour les avoir choisis. Marianne Knai et Martin Hétu sont les avocats en question, qui sont réprimandés par l'Association du Barreau Canadien (Sophie Courtois et Céline Poitras). Quid's favourite se-

Charlie Feldman (LAW II)

Laliberté, for his part, is involved with opposing counsel in a case of a dancing horse at a circus that 'evacuated its bowels' on a spectator (seriously, that's a real case). Overall, the presentation highlighted the differences between approaches to intimate relations in Quebec and elsewhere in Canada, and deserves special props for its use of music cues. When was the last time you heard 'Let's talk about sex?' playing in the Moot Court?!

Best acting: Krista Zeman & Alex Carrier (TIE) Best Narration: Jeff Bagg (for being most like Mr. Rogers) Best gesticulation: Andrew Hodhod Best Cameo: Margaret Barratta.

quence: the lawyers recruiting a vulnerable client already on a gurney in the hospital.

Video 2: The Devil's Advocates:

<http://www.facebook.com/video/video.php?v=519314334587>

The Quid's personal favourite of the trio – a movie trailer about lawyers and the divide between law school and life as a lawyer, tackling issues such as client selection and ethical dilemmas related to representation. Well, perhaps that's the formal way of saying there's snippets here of everything: a DUI, lawyer violence, a chase scene, and of course, discrimination against the people of Longueuil. The Quid's

DROIT À L'IMAGE

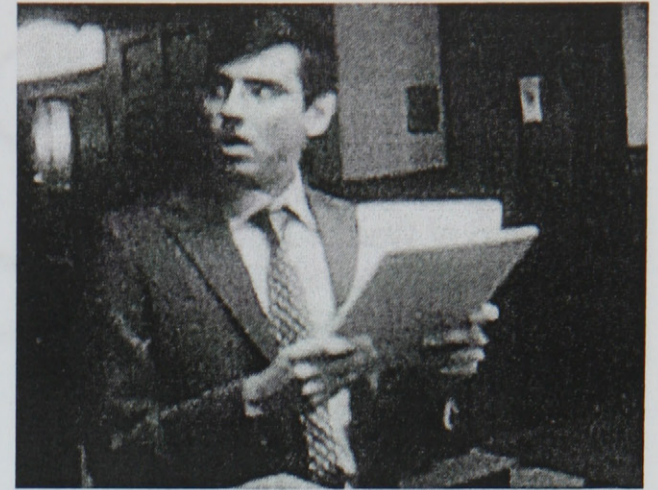
favourites: the car scene and performances by Nick Deslandres and Vincent Ranger.

Video 3: It's a Lawyer's Life
<http://www.facebook.com/video/video.php?v=519321011207>



This video portrays and distinguishes the lazy lawyer, the overly aggressive lawyer, and the just-right lawyer in true 30s silent movie style. Best performance: Zoe Zheng as a flapper. Honourable mention: Anais Kadian's hosting, David Parry's lawyering.

Charlie Feldman (LAW II)



The Quid conducted an interview with 2L Ryan Gallant (responsible for putting the videos together) shortly after their debut, which resulted in Legal Meth's first standing ovation.

Quid: How much time did it take to make these?

RG: (Laughs) ... I'm describing it as having a full-time job over the past week

Quid: How much footage did you shoot?

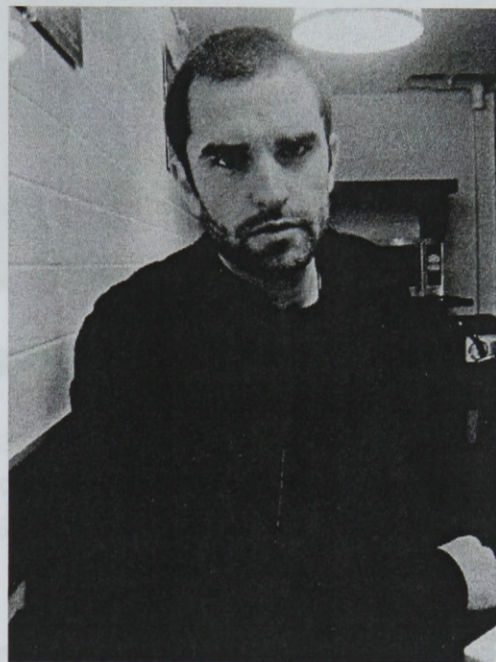
RG: About 9 hours for the 15 minutes of video

Quid: Why did you decide to do a video?

RG: Two reasons really – first, I have experience making them. Second, it takes all the pressure off of a live presentation. There's more advance

work, but there's much less pressure.

Quid: Is there anything on the cutting



room floor you wish people could have seen?

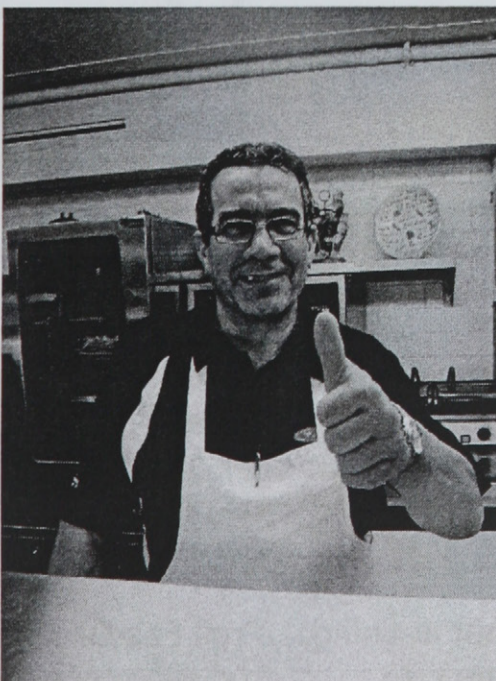
RG: There was a boardroom scene in which Nick Deslandres made the perfect sympathy-inducing expression... and there was also an injury scene when Nick Turp was repeatedly tripped and threw himself to the ground ... I may include it in an out-take montage.

Quid: You really put in a lot of effort ... you know it was pass/fail, right?

RG: That's true... but it's probably the most fun I've had working on any individual project in law school thus far. I guess I would say that there's more to life than killing yourself for grades ... Though editing for hours can be boring, seeing the reactions of others makes it worth all the work – that's validation enough.

Matteo's: The IT spot in law school – the Quid has your inside scoop!

It's been around for about 10 years and serves about 1,000 customers a day... you have probably been one of them... it's... it's Matteo's! The Quid asked some probing (overstatement) questions and found out some things you may not have known. The six employees downstairs start each day at 5:30 am with the making of danishes, muffins and the like before moving onto the hot meals and pasta. While every day begins the same, Matteo



tells us that it's the never the same thing two days in a row – it's fast or slow depending on who has class when and you never know what the day will be like. That said, Fridays are club sandwich and lasagna day, just like BBQ day is on Wednesdays.

The most popular day? Anytime the grill is outside.

Number of sandwiches made daily? 300-400

Any items they can't serve? Alcohol and energy drinks

Do we have a coffee addiction? Rita says yes.

Rita, would you eat the food at Matteo's? "Always do!"

Most bizarre request? "Someone today asked for a chicken quesadilla without the chicken"



The Quid has to give props to this costume, the CARBOLIC SMOKE BALL!!!

The Quid wonders with H1N1 being the new flu scare, will similar products

return?!?! The Quid's got your cure!

DROIT À L'IMAGE

Brownstone, meet Bartleby!

Well, if you missed the guest lecture from Justice Harvey Brownstone of the Ontario Court of Justice, you missed quite a spectacle. The Quid feels compelled to give a plug for his recent work, "Tug of War: A Judge's Verdict on Separation, Custody Battles and the Bitter Realities of Family Court", but really, it just wants to share some of the more memorable moments. Ignoring all the substantive portions of his talk – as this section is wont to do – let's skip discussion of what it's like to "toil in the vineyards of martial discord" and skip to the fun stuff:

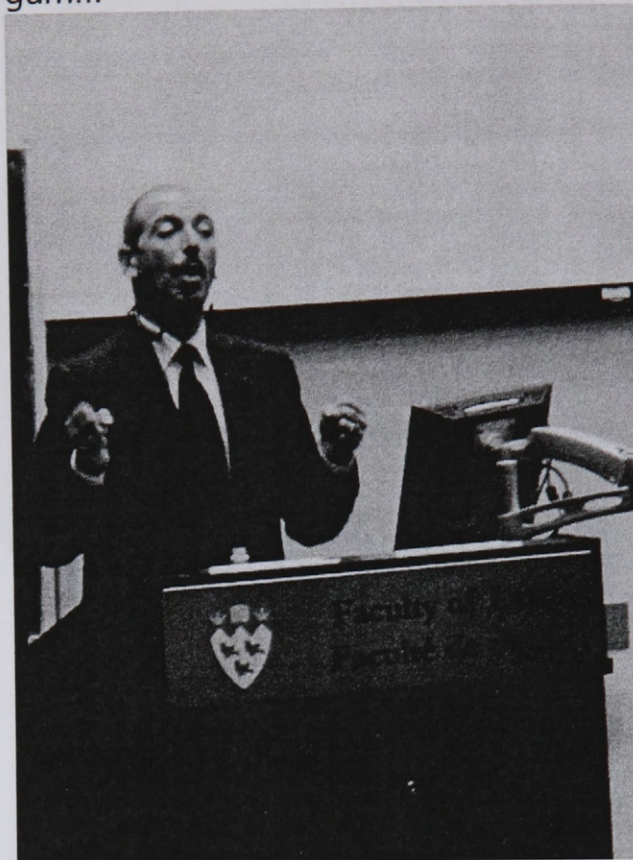
IN THE COURTOOM:

"I had a man in my court ask me the other day to deport his ex-wife.... she's a citizen..."

"This other lady asked me to take measures to make sure the man would never have any more kids... I'm not going to say what she suggested, but I reminded her I was a judge not a vet"

(paraphrased) The man insisted there was no way he was the father, and so when the paternity tests came back that he was, without a doubt, the father, he contested saying "we used protection every time!" The woman asked if he remembered the time the

condom broke. His response? "Yeah, but I thought we fixed it with chewing gum..."



"If you ever have nothing to do and need a little entertainment – go to family court – I swear some of these people should have never gotten together – and some of them are clearly still in love!"

"I love the 4yr old who told me "my momma's a ho"

ON LAW SCHOOL:

"If you're sitting here thinking 'I don't

Charlie Feldman (LAW II)

know what I'm going to do with this degree – I don't even know why I'm here' – that's normal. Congratulations".

LIFE ADVICE:

"When you piss in your pants, it will only keep you warm for so long – think about it"

"Ixnay on the Lewinsky-ay"

ON JUDGE JUDY:

"She's a [redacted] who stole my act!"

The Quid asked Justice Brownstone if he could recall the most appalling moment in his courtroom. He recounted the story of a thirty-something couple who seemed to... well... want to avoid having the child on the weekends. Normally, explained Brownstone, both sides fight over the weekend, but in this case each side insisted the other take the child on the weekend. Eventually, Justice Brownstone figured out the simple reason: each side was dating and wanted to have free weekends to pursue their new relationships. When Brownstone suggested to the couple that if they didn't want the child he could easily be placed in foster care, the mother responded "Is that free? ... Or would we have to pay for that?" The Quid thinks parenting should require a licence.

...Disons... (Overheard at the Fac)

1L: Wait, is this the Backstreet Boys or NSYNC?

3L: Ugh, I almost DIED when I heard there was a 1L who didn't know if 'I want it that way' was BSB or NSYNC!

2L: What do the Leafs and this semester have in common? They both suck.

3L: Is it wrong that I've had on Christmas songs all week?! We should totally go caroling around the faculty!

2L: Pourquoi Matteos n'a pas de poutine?!?!?

1L: He was drunk and kept telling me about how I should get to know his

'living tree'. I told him if he kept it up I would chop it down.

1L: Yeah, I'm going as a unilateral contact – basically, I'm wearing something slutty that essentially says 'do me'

2L: If law school were the circus, 2L is so the angst parade!

2L: I've watched wayyy too much porn with my mom this week.

2L: Please, I only have a shot at going on exchange if they start one with some crappy school, like U of T...

4L: I'm so over still being in law school. Res judicata, bitch!

Prof. Jukier: It's the kind of thing you can only do with an NGO sugar daddy behind you.

Prof. Megret: Ce soir is the night...

Prof. Moyse: Le patrimoine peut s'expliquer facilement par la théorie du bagel. Vous êtes à l'intérieur du bagel, dans la partie creusé avec vos droits de personnalité mais vous n'êtes pas nécessairement creusé...

Prof. Fox-Decent: If you can't tell me the difference between a spectrum and a continuum, I'm not even going to ask you the difference between ambiguous and vague...



COLOR BY NUMBER

1. Red

2. Blue

3. Green

4. Yellow

5. Brown

6. Purple

7. Grey

Riez avec moi?

by Sao Mai Nguyễn (LAW II)

On November 16th, Community Law is organizing an evening of performances for Clowns Without Borders (in the Atrium, starting at 5:30pm). Last year, a clown came to McGill for a panel discussion on organizations "without borders", and these are the words I remember him saying: "no child without a smile", "ce que les médecins font pour le corps, les clowns le font pour l'âme." If their motto and mission touch you, we would love you to join us in our red nose campaign during the week of November 9-13, then come have fun on the 16th, our Jour-Nez. Law students will be performing along with our invited professional clown. If you wish to present anything on November 16th, you can write to me at sao-mai.nguyen@mail.mcgill.ca before November 13th. After all, we do need a good laugh in mid-November!

Years ago, my literature assignment was to write a pseudo-essay to define one word. I chose "laughter". I am sharing it with you today as a personal invitation to the Clowns Without Borders events.



Rire

« Le rire est mon but. Je l'affirme aujourd'hui, sans naïveté. Aérien, farceur, gras, éteint, complice, chaque rire a son histoire malgré sa brièveté. Le premier rire qui m'a marquée est celui de ma mère et cela m'a pris longtemps avant de percer le secret de son histoire. C'est un rire qui brise le silence avec une énergie brutale, puis l'embrasse tout en-

tier. Je me souviens que les bébés éclataient en sanglots quand ma mère riait. Petite, je ne comprenais pas comment le rire pouvait faire peur. C'est qu'il est violent. Ma mère laisse éclater violemment sa volonté de vivre, et le désir pour la vie prend beaucoup, beaucoup de place quand il s'exprime sans honte. C'est ça qui fait peur. Ma mère oublie toute modestie et discipline quand elle a envie de rire. En vietnamien, il y a une expression qui, traduite littéralement en français, sonne un peu discordant : « un rire croquant ». Je ne peux pas mieux décrire la façon qu'a ma mère de mordre dans la vie. C'est par elle que notre foyer n'est jamais vide et que notre vie se remplit de vie. Elle donne son rire si généreusement qu'il perd sa nature éphémère.

Le rire sincère peut faire peur par sa violence, mais il menace par son intelligence. Il mord le mensonge autant qu'il mord dans la vie. L'humour n'est-il pas l'arme de l'ironiste? Manié adroitement, il éclaircit le regard et la pensée. Il ne faut pas la craindre, mais partager son clin d'oeil, caché sous la désinvolture d'un rire détaché. Rire comme le veut l'ironiste, c'est saisir les nuances de la vérité, mais refuser qu'elle nous blesse. Rions, intelligemment, malgré l'intelligence trop lucide qui fait mal. Umberto Eco a bien incarné en Jorge de Burgos (*Le Nom de la rose*) l'antithèse du rire intelligent: aveugle. Il avale les pages de la *Poétique* d'Aristote sur la comédie et pense ainsi détruire à jamais une arme trop puissante pour les bonnes âmes que nous sommes. Yeux blancs, voilés. Oui, Frère Jorge, puissant l'humour est, mais attention, vulnérable il ne l'est pas. Vous ne tuerez pas le rire aussi facilement, c'est

lui qui vous vaincra à la fin. Tant qu'il reste dans la vie d'un enfant le déclic d'un premier rire, qui éveille en lui l'esprit critique, vous, Frère Jorge, êtes perdant. Fragile l'enfant l'est peut-être, mais son rire ne l'est pas. Non? Vous refusez toujours? Eh bien soit, mais sans le rire, vous vous blessez plus qu'autre chose.

Le rire est antidote aux blessures de l'esprit, mais étrangement il peut blesser aussi. C'est que parfois, la souffrance intérieure se rebelle contre le silence qui lui est imposé, et elle s'exteriorise dans un élan insensé. Avez-vous déjà entendu un rire fou? Il glace. À force de ne pas être compris, le fou utilise un moyen universel pour jeter au cœur de ses bourreaux l'anxiété qu'ils lui font subir. Il n'y a pas d'intentionnalité, tout simplement un cri de solitude qui n'arrive plus à se taire dans l'ombre. Il trouvera écho dans le cœur de tous, mais cet écho, étouffé, ne lui sera pas renvoyé. Le rire méchant est semblable au rire fou, à la différence près qu'il se



venge de la souffrance réprimée. Peut-être qu'en infligeant du mal à autrui, il se convainc qu'il n'est pas victime. Rabaïsser pour se donner l'illusion d'être plus élevé. Personne ne veut se sentir victime, c'est pourquoi le rire méchant finit par rallier des complices dans son camp. S'assembler pour faire mal au lieu de se retrouver ostracisé et avoir mal. C'est triste, vraiment, ça ne me fait pas rire.

Changeons de ton, la tristesse convient peu au rire. Regardez-moi en train d'extrapoler une réalité si simple en paroles lourdes. C'est ridicule. J'aime être ridicule! Mais de temps en temps seulement... Il me faudrait plus de conviction, un peu à la démesure de Dalí. Il aimait tellement être ridicule qu'il est devenu un ridicule convaincant, puis convaincu. Pour cela, il est un homme magistralement grand. Chamfort dit dans ses *Maximes et Pensées* : « On

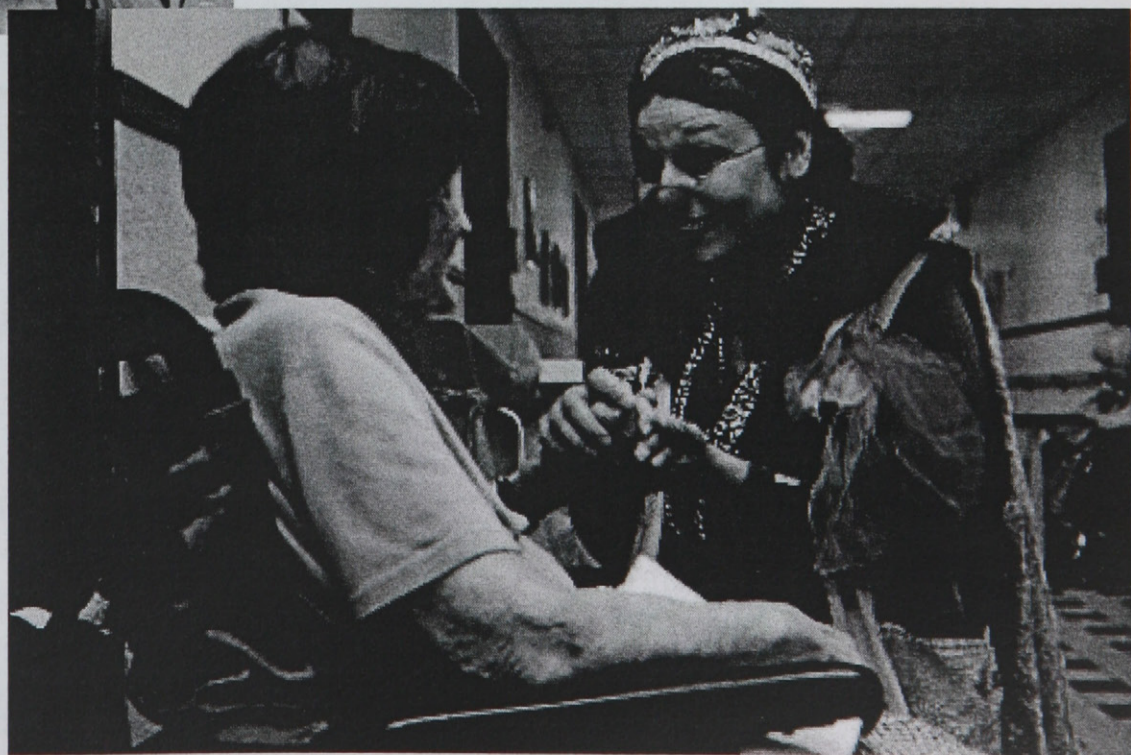
n' imagine pas combien il faut d'esprit pour n'être jamais ridicule. » Dalí ne s'est pas contenté d'un ridicule facile, celui qui se manifeste passivement quand l'esprit perd vigilance, se dérègle, puis préfère assister au spectacle. Il voulait être spectacle. Il est devenu spectaculaire, par conviction. Je change donc un peu la phrase de Chamfort : « On n' imagine pas combien il faut de cœur pour être ridicule. »

S'il faut résumer, le rire est un acte de courage. Courage de vivre, courage de penser, courage de s'exprimer. Il fait mal, il a mal, il demande d'être soulagé et il soulage aussi. Il est la preuve que l'intelligence, la souffrance et l'extraordinaire existent. « Le rire est le propre de l'homme. » J'en suis aussi convaincue que Rabelais. Je veux rire, disais-je. La raison est simple : j' voudrais bien être humaine. Une part d'humanité vécue dans quelques notes de musique

inimitables.

Je ne suis pas seule en riant, voilà le plus beau. Le rire est contagieux. Heureux celui qui peut écouter le rire des autres, saisir ce qu'il essaie de dire, et le partager. Il sera comme Saint-Exupéry dans le désert qui s'abreuve des rires lui tombant des étoiles lointaines, à la recherche d'un ami qui répondrait à son cri du cœur même quand il est loin, si loin. À la recherche de l'essentiel chez l'autre, de ce Petit Prince caché, pour que sa lumière brille avec plus de vie. Oui, je veux rire pour vivre et pour donner vie. Aidez-moi un peu. Riez avec moi? »

Joignez-vous au Jour-Nez, et n'oubliez pas de regarder plus loin que le bout du nez!



Par Toutatis! Par Bélénos!

de Marianne Knai (LAW II)

I take Halloween pretty seriously. I like the idea of having carte blanche to walk down the street looking like a complete idiot and people finding it amusing. Some will say I work pretty hard at coming up with original costume ideas and this year was no different.

To demonstrate loyalty to our childhood heroes and to celebrate their 50th birthday, Randall Blom and I showed up to Coffeehouse as Astérix and Obélix (see front cover). Much to our dismay, we realized that some people had no idea who we were! The first two that didn't recognize us were from New Brunswick and we just assumed that this was the main reason. The next two, however, were professors. Prof. MacDonald (who has since instructed me to call him 'Rod Frop'), pointed at me, smiled and said: "Oh! You're Thor and he's Mercury". Randall was speechless. He giggled, took a swig of potion, saw 'catwoman' and walked off. I, on the other hand, pulled up the four pillows that made up my 'potion magique' belly and thought that I needed to remedy this situation.

Dear Professor Macdonald (I refuse to call you Rod Frop),

I thought it inappropriate to interrupt your conversation with Prof. Fox-Decent on Ron Carelli the other night. For your benefit (as well as for the population of New Brunswick), here is a quick run-down on Asterix and Obelix.

"Nous sommes en 50 avant Jésus-Christ; toute la Gaule est occupée par les Romains...Toute? Non! Car un village peuplé d'irréductibles Gaulois résiste encore et toujours à l'envahisseur. Et la vie n'est pas facile pour les garnisons de légionnaires romains des camps retranchés de Babaorum, Aquarium, Laudanum et Petitbonum..."

These are the first words you will read in every Asterix adventure. With the help of their druid Panoramix's magic potion, the village of Gauls have managed to ward off the mean Romans that keep trying to invade them, located in present day Normandy. They have participated in the Olympics, remedied drought in the Middle East, been very

successful Gladiators, saved countless of kidnapped men (and one child that was a bit of a brat) from Cesar's mean troops and invented 'Moules Frites', Djinn's (jeans) and undivided co-ownership ('Le projet de César').

They're also France's largest literary export (no kidding – 325 million copies of the 33 books). They've been translated in over 100 languages, been adapted into 11 films and there is an actual 'Parc Astérix' near Paris (or Lutèce as it is called in the series).

To this day, when I am not feeling well, I go to my little one's room, pick a few of their books and climb into bed. Inevitably, they make me laugh, even if I've read them pretty consistently since the age of 5.

I invite you to come and find me in my office (the couch) so that I may lend you one or two of my favourites.

